

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23522
Docket Number MS-23465

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: { J. M. Mattingly
{ Illinois Central Gulf Railroad

STATEMENT OF CLAIM: "I was denied Position 16 Storekeeper Carbondale, Ill September 1977. And position was awarded to junior employee W. A. Dunning, job was bulletined as straight seniority bid in position, no mention of parties bidding on position having to be qualified. And am claiming daily rate of \$61.88 per day for every day being withheld from this position."

OPINION OF BOARD: On September 6, 1977, Carrier bulletined Position 16 (Stockkeeper) Carbondale, Illinois, as a permanent vacancy. The Claimant was the senior bidder for the position; however a junior employee was assigned. 1

The Carrier argues that the Claimant was not assigned (instead of the junior employee) because he lacked sufficient fitness and ability for the position. 2

Rules 6, 7, 8, 10 and 14 of the Agreement are pertinent to the bulletining and awarding of the Stockkeeper's position at Carbondale. Under the accepted application of these rules, the Claimant is required to possess a minimal amount of fitness and ability prior to his being awarded the vacancy. 1

The Claimant contended that he possessed the potential fitness and ability for the job. But, he seems to have done little or nothing more than make that basic contention. He has submitted no evidence that he possessed such fitness and ability. Moreover, we do not find that Carrier has acted in an arbitrary or capricious manner. The claim will be denied. 1

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

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That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pugh
Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1982.

