

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 27144
Docket No. CL-26369
88-3-85-3-149

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
PARTIES TO DISPUTE: (
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-9991) that:

1. Carrier violated the effective Clerks' Agreement when effective on April 9, 1984, it refused to permit Mr. Edward Pollard to exercise his seniority over a junior employee to acquire Position No. 30;

2. Carrier shall now compensate Mr. Pollard for the difference between the rate of his position, timekeeper, and that of Position No. 30, Chief Clerk Car Accounting, for April 9, 1984, and for each and every day thereafter that a like violation exists in that he is refused the right to fill Position No. 30."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

Claimant was at the time of the incident that gave rise to this dispute employed as the Assistant Bookkeeper. His job was abolished and he attempted on April 9, 1984, to displace the Chief Clerk (Position No. 30) in the Car Accounting Department. Carrier did not allow Claimant to displace into that position because, according to the Manager of Revenue and Car Accounting, he was not qualified to perform the work of Chief Clerk. A claim was filed contesting that decision. That claim is the substance of this case.

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This Board has reviewed the record before it and based on that record must conclude that Carrier was correct in its decision to deny Claimant the right to displace the Chief Clerk. Carrier evaluated the Claimant's abilities in a comprehensive and complete manner. It reviewed his past work performance as well as his recent work performance. Based on that evaluation, it was concluded that Claimant was not qualified to fill the Chief Clerk's position. This Board finds no basis on which to decide otherwise.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dover - Executive Secretary

Dated at Chicago, Illinois, this 23rd day of June 1988.