

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

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(Consolidated Rail Corporation

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The disqualification of Mr. K. Grenier as a B&B mechanic on June 11, 1985 was improper, without just, sufficient or reasonable cause (System Docket CR-2176).

(2) The Carrier shall return the claimant to the position of B&B mechanic with seniority as such dating from May 13, 1985 and he shall be compensated for all wage loss* suffered from the date of disqualification until the date he is restored to the position of B&B mechanic.

*Net wage loss is the difference between what he would have been paid at the B&B mechanic's rate and what he was paid at the rate of a lower rated position."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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 discharged from military service in the Spring of 1985. Since Claimant held seniority while in the service, he returned to work and bid a B&B Mechanics position of Savannah, New York. After an interview with Claimant, Carrier officials concluded that he was not qualified to perform the work of the position he bid. They denied it to him. Claimant thereupon filed a Veteran's Discrimination Complaint with the Department of Labor. After some discussion between Carrier officials, Claimant, and government officials, an agreement was reached whereby Claimant was given 30 days to qualify on the B&B Mechanics job he bid. At the conclusion of the 30-day period, Claimant was declared unqualified. He filed the instant grievance that is now before this Board.

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90-3-87-3-43

This Board has reviewed the record and is compelled to conclude that Claimant was given a proper chance to qualify as a B&B Mechanic, but failed to meet the minimum requirements of that position. The record does not contain any indication that Claimant was not treated fairly or that his opportunity to qualify was not properly granted.

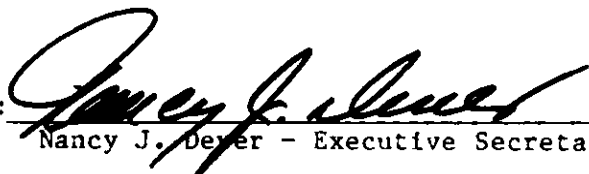
This Board can find no basis in the record to conclude that Claimant was a qualified mechanic or was unfairly evaluated by Carrier.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 28th day of February 1990.