

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
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(The Belt Railway Company of Chicago

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10378) that:

1. Carrier violated the effective agreement when it failed to assign Mr. E. Pollard to the position of Valuation Accountant, Position No. 547, effective May 3, 1988, but rather employed the services of an outsider having no antecedent seniority for this position.

2. Carrier shall now compensate Mr. Pollard eight (8) hours' pay at the rate of Position No. 547, less the amount already paid, for May 3, 1988, and for each and every day thereafter that he is denied the position claimed."

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.

This is a fitness and ability dispute that arose because the Claimant was not awarded Position No. 547, Valuation Accountant. The qualifications for that position require, in pertinent part, a BS with a major in accounting or equivalent training and experience and a "thorough knowledge and understanding of the theory and principles of accounting, including introductory, intermediate and advanced cost accounting and auditing principles."

The record shows that the Claimant filed a similar Claim in late 1985 for a position of Valuation Accountant. Public Law Board No. 4247, Award 3 held that the Claimant did not demonstrate sufficient fitness and ability to be selected for the position of Valuation Accountant. The Claimant did not at

that time, nor does he now possess a BS. With respect to his experience, the record shows that his work experience since Award 3 of PLB No. 4247 was not of the type and quality to show that the Carrier's judgment was wrong. Accordingly, we must deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 29th day of January 1991.