

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-10386) that:

1. Carrier violated the effective agreement when it arbitrarily and capriciously refused to permit Mr. John W. Kocsis to exercise seniority to Position #546, thereby denying him the opportunity to demonstrate his fitness and ability for said position.

2. Carrier shall now compensate Mr. Kocsis eight (8) hours' pay at the rate of Position #546, less the amount already paid, for November 14, 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.

The issue in this case is whether the Claimant had the requisite qualifications needed to fulfill the responsibilities of Valuation Accountant, Position No. 546.

The record shows that the Claimant previously had sought and been denied the same position as in this Claim. Award 8 of Public Law Board No. 4247 in pertinent part held that "claimant did not possess the necessary qualifications, nor could he have been reasonably expected to develop them within the allotted time period." Because we find no substantive change in the Claimant's work record and education background since that Award, we will deny the Claim.

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 29th day of January 1991.