

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Award No. 33395
Docket No. CL-34126
99-3-97-3-654

The Third Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

(Transportation Communications International Union
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11838) that:

- (a) The Carrier violated the Amtrak-Northeast Corridor Clerks’ Rules Agreement particularly Rules 1-B-1, 2-A-1, 2-A-5, 3-C-1 and other Rules when it disqualified Claimant Gary Naroff, effective 04-06-94 from position of Ticket Seller located at Springfield Ticket Office.
- (b) Claimant Gary Naroff now be allowed 8 hours pay at the pro-rata rate commencing 04-07-94 and continuing for each and every day thereafter on account of this violation.
- (c) This claim has been presented in accordance with Rule 7-B-1 and should be allowed.”

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 employee 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 were given due notice of hearing thereon.

At the time this dispute arose, Claimant had exercised his seniority to an extra board position and began attempting to qualify for the position of Ticket Agent at Springfield, Massachusetts. During his thirty-two (32) days of qualifying, Claimant was tested twice on the Standard Qualifying criteria test and failed to pass each time. On April 7, 1994, Claimant was notified that he was disqualified from working a Ticket/Agent/Clerk position.

A review of the record in this case indicates that it is unrefuted that at no time during his qualification period was Claimant able to perform his duties without assistance. We find no indication that Carrier was either unreasonable or arbitrary in its decision to disqualify him from the position.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an Award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 13th day of July 1999.