

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 20201
Docket Number MS-19926

John H. Dorsey, Referee

PARTIES TO DISPUTE: (Beulah E. Ball
(
(Union Pacific Railroad Company

STATEMENT OF CLAIM: Claim of Beulah E. Ball that:

(1) Carrier violated the current Clerks' Agreement in failing to accept displacement notice of Mrs. Beulah E. Ball on position of Clerk-Engine Dispatcher at Kansas City, Kansas, effective November 9, 1968.

(2) Carrier shall now compensate Mrs. Beulah E. Ball for all time lost during the period November 9, 1968 through December 9, 1968, and for the difference in compensation of Steno-Clerk and Clerk-Engine Dispatcher beginning December 9, 1968 account Carrier disqualifying Mrs. Ball from position of Clerk-Engine Dispatcher.

OPINION OF BOARD: Petitioner has not shown that Carrier's determination of claimant's fitness and ability was arrived at in an arbitrary or capricious manner. See Third Division Awards 15164, 15165, 16546, 16480, 17948 and 18286 (Referee Dorsey).

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

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 29th day of March 1974.