

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23497
Docket Number CL-23362

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(Illinois Central Gulf Railroad

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8977) that:

1. Company violated the Agreement between the Parties when on October 21, 1977 it awarded Position No. 258, PAL (Passenger Assistance Link) Operator to Clerk Wanda Sukta, junior in seniority to Claimant Julie A. Leslie, in violation of Rules 6, 8 and 10, among others, of the Clerks' Agreement.

2. Company shall now be required to compensate Claimant for each and every workday at the rate of \$55.32 per day for Position No. 258, PAL Operator, until this claim is resolved beginning October 21, 1977.

OPINION OF BOARD: The instant case deals with a fitness and ability dispute; involving Rules 6, 8 and 10 of the Agreement between the parties.

The Claimant was not assigned to a "Passenger Assistance Link Operator" position when it was open for bid in October, 1977. Instead, a junior employee was assigned.

The Claimant argues that she should have been awarded the position because she had sufficient fitness and ability and had nine (9) days' training on the position eighteen months earlier. Carrier contends that nine (9) days' training eighteen months earlier was insufficient to qualify on a "PAL" position because (1) the length of training was insufficient and (2) the character of the position has changed in the eighteen month interval since Claimant had trained on the position.

There is no proof in the Record that the nine (9) day training period Claimant participated in some eighteen months prior to seeking the assignment did, in fact, qualify her for the assignment. Additionally, there is no proof in the Record that Claimant was qualified for the position as it existed, not at the time of training, but at the time of the contemplated assignment. In view of this proof deficiency, the claim will be denied.

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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. Paulsen

Executive Secretary

Dated at Chicago, Illinois, this 8th day of January 1982.

