

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24577  
Docket Number CL-24335

Ida Klaus, Referee

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

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9509)  
that:

1. Company violated the Agreement between the parties when on April 4, 5, 6, 7, 8, 11, 12, 13, 14 and 15, 1977, Company failed to fill Position No. 147-C at East St. Louis, Illinois, during a vacation vacancy.
2. Company shall now be required to compensate Clerk S. K. Foran for each of the ten (10) dates at the pro rata rate of \$55.09 per day.
3. Company shall also be required to pay the current rate of interest to Clerk Foran, as determined by the Federal Reserve Board to be computed from claim dates to date Claimant is paid.

OPINION OF BOARD: The claim protests that the failure to fill a temporary (vacation) vacancy in a Steno-Clerk position and to assign the claimant, an extra clerk, violated Rule 9 of the parties' Agreement.

Rule 9 requires that short vacancies be filled by "the senior qualified extra employee who is available". The claimant's required seniority status is undisputed.

The claim asserts that the claimant was adequately qualified to fill the position even though she admittedly did not possess the skill required for a regular incumbent.

The Carrier contends that she was not assigned because she was simply unqualified for the position, and it thus had no obligation to fill the vacancy by assigning her.

The Board finds on this record that the Carrier's judgment as to the claimant's qualifications at the time she sought the assignment is supported by substantial and credible evidence. We may not overturn that decision. In view of her lack of qualifications, the Carrier was not required by the Agreement to assign her as an extra employe. The claim will be denied.

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 Employes involved in this dispute are respectively Carrier and Employes 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

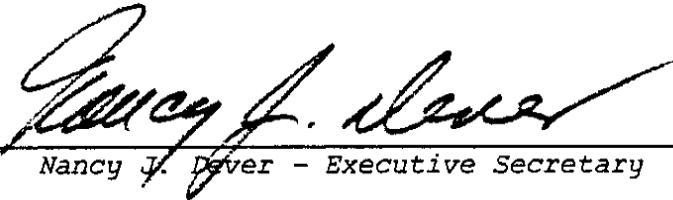
That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

  
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Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of December 1983.

