

The Third Division consisted of the regular members and in addition Referee Martin F. Scheinman when award was rendered.

(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Chicago and North Western Transportation Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Chicago & North Western Transportation Company:

On behalf of C. S. Kocian for the difference between the pay of a Signalman and a District Signal Foreman, in addition to all other pay he has received, commencing on July 16, 1984 and continuing until claim is settled account of Carrier violated Appendix 'A', when it promoted a junior employee to position of District Signal Foreman. General Chairman file CNW-G-AV-47. Carrier file 79-84-17."

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.

At the time this dispute arose, Claimant was the Leading Signal Maintainer at Lake Interlocking Plant in Chicago, Illinois. In June 1984, the position of District Foreman became available. Claimant bid for it, but the post was given to D. C. Corcoran, a junior employee.

As a result, the Organization filed the instant claim. Carrier timely rejected it. Thereafter, the dispute was handled in the usual manner on the property. It is now before this Board for adjudication.

The Organization contends that Claimant has at least equal training, ability merit and fitness as a successful bidder. In support of this contention, it points out that Claimant has worked the territory in question for many years, ran the Lake Street crew for eighteen months and has engaged in other tasks which amply qualify him for the job. Under these circumstances, the Organization submits, Claimant's seniority requires that he be awarded the position, pursuant to Rule 9 of the Agreement. Therefore, it asks that the claim be sustained in its entirety.

Carrier, on the other hand, argues that it is free to select the best qualified candidate. In its view D. C. Corcoran was better qualified than Claimant, since he understood circuitry better than Claimant and could read blue prints better than Claimant. Thus, Carrier asserts it properly rejected Claimant's bid. Therefore, it asks the claim be denied.

A review of the record evidence convinces this Board that the claim must fail. Appendix A, Paragraph 9 permits the "appointment from the signalmen's class of the individual best qualified for the position." (emphasis added.) Clearly, Carrier made reasonable judgment that D. C. Corcoran was better qualified than Claimant. It determined that Claimant was less able to read blue prints or understand circuitry than the successful bidder. Clearly, these are relevant considerations for the position in dispute. Thus, Carrier was neither arbitrary nor capricious in determining that D. C. Corcoran should be awarded the post.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 30th day of August 1988.