

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
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(Missouri Pacific Railroad Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood
(GL-10247) that:

1. Carrier violated the T.C.U. (formerly BRAC) Agreement when it supplied wrong tariff to Claimant, Ms. Sharon P. Vann, Junior Rate and Revising Clerk, St. Louis, Missouri, when taking rating test on February 9, 1987, thereby causing her to lose one (1) hour, thirty (30) minutes time, placing her at a disadvantage, causing a failure of the test being taken to qualify for a higher rated position of Senior Rate Clerk, Job No. 168.

2. Carrier's action in the case violated the T.C.U. Agreement, expressly the Testing Agreement of November 7, 1978 contained therein.

3. Carrier shall now be required to compensate Ms. Sharon P. Vann for the difference between that of her position of Junior Rate and Revising Clerk, and that of Senior Rate Clerk, Job No. 168, effective February 10, 1987, and continuing five (5) days per week until corrected."

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 of the series of incidents that gave rise to this case, Claimant was employed by Carrier as a Junior Rate and Revising Clerk. She made application for a Senior Rate Clerk position. Applicants for such positions must pass a rating test. Claimant completed the test on February 9, 1987. It was concluded that she failed the test and she was not given the position. It was subsequently learned that Carrier supplied Claimant with the wrong tariff for her test. This caused her to be confused and lose considerable time on the test which she claims contributed to her failure.

The record states that on March 25, 1987, Claimant again was given a test and failed. On May 18, 1987, Claimant was again tested. This time she passed and was placed in the requested position. The Organization takes the position that the first test was faulty because Claimant was given incorrect data to use in rate calculation. It argues that the second test was so difficult, only the most sophisticated Clerk could pass it, but when Claimant was finally given a proper test, she passed it. The Organization seeks the differential between what Claimant was paid from February 10, 1987, or until she was placed on the Senior Rate Clerk position.

Carrier admits that it gave the wrong information to applicants on the first test. To compensate, however, it gave all applicants full credit for the question. It then gave the Claimant a second test that she failed and finally she took the test a third time and passed.


This Board has reviewed the record and we can find no basis on which to conclude the Claimant was mistreated in any manner. We see the allegations in the record, but we do not find the supporting data. This Board can find no fault with the manner in which Carrier operated in this instance.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bevel - Executive Secretary

Dated at Chicago, Illinois, this 6th day of June 1989.