

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(Kansas City Southern Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

(1) The disqualification of Mr. G. C. Adams as locomotive crane helper on or about December 26, 1985 was without just or reasonable cause (Carrier's File 013.31-344).

(2) Claimant G. C. Adams shall be returned to his position as locomotive crane helper with seniority as such unimpaired, he shall be compensated for all wage loss suffered and he shall be reimbursed for actual necessary expenses incurred by him because of the violation referred to in Part (1) hereof."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes 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.

In January 1986, Carrier issued Bulletin No. 3, seeking bids for a Locomotive Crane operator. No bids were received from qualified employees seeking the vacancy. Claimant, a regularly assigned B&B employee, with National Guard crane operator experience, was afforded an opportunity to train for the position. After 58 days he was notified that he was disqualified. The issue before this Board is whether Carrier's determination of Claimant's qualifications violated the Agreement.

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Award No. 28345
Docket No. MW-27838
90-3-87-3-404

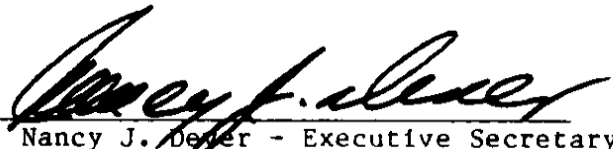
Rule 12 of the Agreement requires that candidates for a position "... be given a fair chance to demonstrate their ability to meet the practical requirements of the position." It is basic that fitness and ability determinations are reserved to Carrier. In this case it has not been demonstrated, to our satisfaction, that Carrier's determination of Claimant's fitness and ability was arbitrary or capricious, or for that matter was incorrect, nor, has it been demonstrated that he was not given "a fair chance" to qualify, as required by the Agreement.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Decker - Executive Secretary

Dated at Chicago, Illinois, this 27th day of April 1990.