

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISIONAward No. 30232  
Docket No. SG-29934  
94-3-91-3-324

The Third Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen  
(  
(Atchison, Topeka and Santa Fe Railway  
(Company

STATEMENT OF CLAIM: "Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Atchison, Topeka and Santa Fe Railway Company:

Claim on behalf of J.R. Hester, for payment of one-hundred-eighty (180) hours of pay, at his punitive rate of pay, account of Carrier violated the current Signalmens' Agreement, as amended, particularly, Rule 17, when it used a junior employee to perform detached service, beginning February 14th, 1990, and continuing for eighteen ten (18-10) hour days." Carrier's File No. 14-160-300-91, General Chairman's File No. 17-934. BRS Case No. 8448.ATSF.

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 employe 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.

Commencing February 14, 1990, the Carrier used an employee junior to the Claimant to operate a boom truck on detached service. The Carrier stated that the Claimant was not called for the work because he had not attended instruction class on the operation of the truck and thus was not qualified for the assignment. In response, the Organization states that the Claimant "had routinely operated the truck and that his qualifications had not been questioned in the past."

The record indicates that there were several occasions on which the Claimant did operate the boom truck. Nevertheless, the Carrier's contention that the Claimant had not attended the necessary instruction classes is not disputed. In this instance, the Carrier acted within its judgment to determine that the Claimant was not considered a "qualified" boom truck operator. There is no basis to determine that the Carrier acted improperly or in an arbitrary manner.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

Linda Woods

Linda Woods - Arbitration Assistant

Dated at Chicago, Illinois, this 8th day of June 1994.