

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32136
Docket No. CL-32915
97-3-96-3-280**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

PARTIES TO DISPUTE: (
(Transportation Communications International Union
(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-11221) that:

- 1. Carrier violated the Agreement on July 19, 1994, when Director-Waybilling Operations, A. E. Lancaster, rendered his decision that Claimant M. A. Burnett (sic) was not unjustly treated when she was disqualified from a position in the Waybilling Center.**
- 2. Carrier shall qualify Ms. Burnette on the position, compensate her for all time lost, including any benefits that she may have lost due to the disqualification.”**

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 employee 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 were given due notice of hearing thereon.

On March 3, 1994, Claimant was awarded Position 255 in the Carrier's Customer Service Center in Jacksonville, Florida. The normal training period for the waybilling position is approximately 25 days. The Carrier gave Claimant 45 days in which to qualify on the position. By letter dated May 25, 1994 from Assistant Director W. E. Ramsey, Claimant was disqualified from her position. The letter stated that Claimant's productivity averaged 28 completed pages per day while the average of other representatives was 63 pages per day. The letter further stated that Claimant's progress and productivity were discussed and reviewed with her but that Claimant was unable to attain the level of progress and productivity necessary.

Claimant requested a "show cause" Hearing under Rule 40. That Hearing was held on July 12, 1994. By letter dated July 19, 1994, Director A. E. Lancaster reiterated the findings of the May 25, 1994 disqualification letter and further found that the evidence and testimony from the Hearing revealed that Claimant's progress was "extremely slow at best and that continued training would not result in you attaining acceptable levels of productivity within any reasonable length or period of time."

Notwithstanding the efforts by the Organization on Claimant's behalf, this claim must be denied. The scope of our review in this matter is limited to determine whether the decision to uphold Claimant's disqualification was unreasonable. We find it was not. The evidence shows that Claimant was given additional training time and Claimant did not complete an acceptable average of production per day. While the results may be subject to debate, we are compelled to find that it was not unreasonable for the Carrier to conclude that Claimant would not achieve acceptable levels of productivity within a reasonable length of time. Indeed, Claimant's testimony at the Hearing shows that she realized she was having difficulty with the work. Claimant admitted that "I wasn't the best" and "I was slower on the machine."

The claim will be denied.

AWARD

Claim denied.

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ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

Dated at Chicago, Illinois, this 13th day of August 1997.