

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33969
Docket No. CL-34660
00-3-98-3-337**

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-12035) that:

- 1. Carrier violated the Agreement on Monday, December 30, 1996, when it failed to properly call Clerk R. E. Robertson, ID No. 621227, for assignment A159.**
- 2. Because of the above violation, Carrier shall now be required to pay Clerk R. E. Robertson, ID No. 621227, eight (8) hours' pay at the punitive rate.”**

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.

The Claimant was not called from the Guaranteed Extra Board to fill a temporary vacancy on Chief Clerk Position No. A-159 on December 30, 1996. Junior Clerk D. L. Battle was used to fill the position. This claim followed.

The record shows that the Claimant last worked Position No. A-159 on September 3, 1996. A new PST Bid System was implemented during December 1996. Clerk Battle was qualified on Position No. A-159 and was updated on the new system on December 11, 12, and 13, 1996. The Carrier determined that the Claimant was not qualified to perform the duties of the temporary vacancy at the time the dispute arose, because the Claimant had not been updated on the new system.

The Board cannot say that the Carrier's decision was arbitrary. Accordingly, the claim is denied.

AWARD

Claim denied.

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 28th day of March, 2000.