

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 43155  
Docket No. SG-43458  
18-3-NRAB-00003-160091**

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

**(Brotherhood of Railroad Signalmen  
PARTIES TO DISPUTE: (  
(Union Pacific Railroad Company**

**STATEMENT OF CLAIM:**

**“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad:**

**Claim on behalf of K.J. Friedli, for compensation equal to the difference in the rates of pay between that of a Signalman and that of a Signal Maintainer for all hours that the Claimant works subsequent to Carrier disqualifying him from his Signal Maintainer position on September 12, 2014, account Carrier violated the current Signalmen’s Agreement, particularly Rules 55, 56, and 57, when it disqualified him from holding said position, and any and all other Signal Maintainer positions in the future, without having any just cause for taking such a harsh and excessive action. Carrier’s File No. 1616887. General Chairman’s File No. N 57 1231. BRS File Case No. 15214-UP.”**

**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 Organization filed the instant claim on the Claimant's behalf, alleging that the Carrier violated the parties' Agreement when it disqualified the Claimant from the position of Signal Maintainer on September 12, 2014, without just cause. The Carrier denied the claim.

The Organization contends that the instant claim should be sustained in its entirety because the Carrier arbitrarily and without just cause disqualified the Claimant from the Signal Maintainer position and from holding all other Signal Maintainer positions, because the defects noted in this matter are common and unpreventable, because the Claimant reported these defects, because these defects were to be repaired by Maintenance of Way forces and not the Claimant, because the Claimant mistakenly believed that it was not necessary to recalibrate the GCP 3000 unit that he replaced, because there is no support for the Carrier's position, and because the requested remedy is appropriate.

The Carrier contends that the instant claim should be denied in its entirety because the Organization's claim is procedurally defective, because the Agreement was not violated when the Claimant was disqualified, and because the Organization has failed to meet its burden of proof.

The parties being unable to resolve their dispute, this matter came before the Board.

The Board has reviewed the record in this case, and we find that the Organization has failed to meet its burden of proof that the Carrier violated the Agreement when it disqualified the Claimant from holding his position as a signal maintainer. Therefore, this claim must be denied.

It is fundamental that the Carrier has the right to determine the qualifications of its employees. The Carrier has to know that the people on the job are able to perform the work in a competent manner. There was testimony at the hearing by Mr. Norwood, the Claimant's supervisor, who stated that the Claimant could not properly do the job to be a signal maintainer. He presented sufficient evidence to support his claim on Page 50 of the transcript.

Since the Carrier has the absolute right to determine the qualifications of its employees and the Organization was unable to meet its burden of proof showing that the Carrier somehow had violated the contract when it disqualified the Claimant from his position of signal maintainer, the Board has no choice other than to deny the claim.

**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 30th day of May 2018.