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Docket No. CL-993.44
Award No. 12

SPECIAL BOARD OF ADJUSTMENT NO. 172

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYES
versus
THE CENTRAL RAILROAD COMPANY OF NEW JERSEY

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

(a) Carrier violated 3(a) and related rules of the Clerks' Agreement at Carteret, N.J. when on February 4, 11, 18, 25, March 3, 10 and 17, 1956, they used a junior employe to cover a call on position #1309, Car Clerk, and

(b) Carrier be required to compensate Mr. L.J. Kelly three (3) hours' pay, based on a daily rate of \$15.91, for each of the days for which claim is made.

FINDINGS

Under Rule 3(a) the Carrier had the initial responsibility for determining fitness and ability of the claimant, and such judgment cannot be set aside here unless it is shown that the Carrier acted arbitrarily, capriciously or discriminatory. On the basis of the evidence presented in this record, no such finding is possible.

AWARD

Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 172

/s/ Dudley E. Whiting
Dudley E. Whiting - Chairman

/s/ Wm. A. Palmatier
W.A. Palmatier - Employe Member

/s/ J. J. Duffy
J.J. Duffy - Carrier Member

Jersey City, N.J.
March 20, 1957.