

Docket No. 204  
AWARD NO. 204

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee that:

- "(1) Carrier violated the agreement on February 25, 1982 when Welder Helper A. R. Baublitt II, Northern Division, was not assigned as Assistant Track Foreman.
- (2) Claimant shall now be allowed the difference between the rate of welder helper and that of assistant track foreman beginning February 25, 1982 and continuing until assigned to the Assistant Track Foreman position in question."

FINDINGS: Rule 10(a) provides for promotion on "ability, merit and seniority" and that management is the judge of ability and merit subject to appeal. We have held that thereunder a claimant must show that the management acted arbitrarily or unreasonably and that is not shown by the mere fact that the claimant had greater seniority than the employee chosen.

On the record in this case we are constrained to find that it has not been shown that the management acted unreasonably.

AWARD: Claim denied.

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*Dudley E. Whiting*  
Dudley E. Whiting - Chairman

*M. A. Christie*  
M. A. Christie  
Employee Member

*W. E. Naro*  
W. E. Naro  
Carrier Member

March 9, 1984

File: 247-6465