

AWARD NO. 33  
Docket No. 33

SPECIAL BOARD OF ADJUSTMENT NO. 279

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES  
versus  
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

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

(1) The Carrier violated the effective Agreement by failing to assign J. W. Henderson to the position of Motor Car Maintainer, DeQuincy, Louisiana, as advertised in Bulletin D-38, dated July 14, 1958.

(2) Claimant J. W. Henderson be reimbursed for the difference in pay between that received as a Roadway Machine Operator and that of a Motor Car Maintainer, beginning August 4, 1958, and continuing until this violation of the Agreement is discontinued.

FINDINGS: On July 14, 1958, the Carrier bulletined a Motor Car Maintainer position on the DeQuincy Division and specified that applicants would be given an oral and/or written test. The claimant had worked as a Motor Car Maintainer for two years and seven months during the years 1951, 1952 and 1953 and bid for this job. It appears that meanwhile much new and different equipment had been put in service but claimant made no effort to refresh his information or obtain new information before submitting to an oral test.

It is the responsibility of the Management to judge the ability of applicants for positions, and in this case it found the claimant lacked ability on the basis that he failed the test given. In view of the length of time since his prior service, the introduction of new and different equipment and his failure to inform himself about it, together with the admission that when previously so assigned there were some jobs he could not do, it cannot be said that the judgement of the Carrier was either arbitrary or discriminatory.

AWARD: Claim denied.

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(s) Dudley E. Whiting  
Dudley E. Whiting - Chairman

(s) A. J. Cunningham  
A. J. Cunningham - Employee Member

(s) G. W. Johnson  
G. W. Johnson - Carrier Member

St. Louis, Missouri  
November 3, 1959