

SPECIAL BOARD OF ADJUSTMENT NO. 280

Award No. 125  
Case No. 204

PARTIES TO DISPUTE:

St. Louis - Southwestern Railway

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM:

- "I. Carrier violated the Maintenance of Way Agreement, especially but not limited to Rule 2-2 and Rule 5 - Promotion and Transfers, when it assigned a new employee to position as B&B Foreman with disregard to agreement rules under Bulletin No. 15-S, dated December 2, 1974, on B&B Gang No. 2-S, beginning March 3, 1975.
- "II. Assistant Foreman L. T. Garrett be allowed difference in pay rate of Assistant B&B Foreman and B&B Foreman rate of pay, beginning on March 3, 1975 and continuing until date that he is allowed B&B Foreman position."

FINDINGS:

Claimant held seniority as a B&B Foreman until September 3, 1974. On that date his name was removed from the Foremen's roster because his work was inadequate. A B&B Foreman position was bulletined on December 2, 1974, and the position was awarded to an employee junior in seniority to Claimant.

Unlike the factual situations in our Awards 122, 123, and 124, Carrier in this dispute based its decision on a determination that Claimant did not have sufficient ability. On the basis of the record, the claim must be denied.

AWARD

Claim denied.

Award No. 125

58A 280

M. Kumar  
Neutral Member

C.B. Boyne  
Carrier Member

M.A. Christie  
Organization Member

Sept 5, 1979  
Date