

SPECIAL BOARD OF ADJUSTMENT NO. 374

Brotherhood of Railway and Steamship Clerks, Freight Handlers,
Express and Station Employees

and

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM:

System Docket No. 537 - S. G. O. Auditor Freight Traffic No. 2-58

"Claim of the System Committee of the Brotherhood that:

(a) The Carrier violated the Clerks' Rules Agreement, effective May 1, 1942, except as amended, particularly Rule 3-C-1, when it denied E. W. Bendell the right to exercise his seniority in displacing a junior employe in the Data Processing Department, under the jurisdiction of the Comptroller, located at 32nd Street Building, Philadelphia, Pennsylvania

(b) E. W. Bendell be compensated for all monetary loss sustained from April 1, to April 20, 1958, inclusive. (Docket 537)."

FINDINGS:

We have carefully examined this record and do not find any proof that, in the exercise of its basic right to determine the fitness and ability of Claimant for the position sought, this Carrier acted in an arbitrary or capricious manner.

AWARD:

Claim denied.

Signed this 12th day of December, 1961.

s/ Edward A. Lynch
E. A. Lynch, Chairman

s/ A. E. Myles,
A. E. Myles, Carrier Member

s/ A. B. Seward
A. B. Seward, Employe Member