

Docket CL-11689
Award No. 45

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. 455 - Lake Region Case No. 25585 - "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 2-A-3, when on March 24, 1958, it disqualified Clerk Blanche O. Valiquette from Position Symbol No. FM-3-F, Toledo Freight Station, Toledo, Ohio, Lake Region.

(b) Blanche O. Valiquette be compensated for eight hours' pay each day beginning March 24, 1958, and until adjusted. (Docket 455)"

FINDINGS:

When Claimant previously held position FM-3-F there was no rating duty attached to the job.

Carrier states the Claimant was given every assistance and cooperation and during the time she worked FM-3-F she was assisted by four clerks.

It is Carrier's contention that when she "was given two simple LCL shipping orders to route and rate x x she advised she was not a rate clerk and could not and would not rate and route shipments."

This occurred March 24 at 2:30 p.m., and when it happened "a disqualification notice was typed in her presence and given to her."

Organization's defense that the position in question contained no rating work when timestudied in 1942 is of no moment here. It acknowledges rating was included in a March 6, 1956 bulletin.

Decision must turn on the Carrier's basis for disqualification, which was agreed to by the parties.

We fail to find any evidence that Carrier's action was arbitrary or capricious.

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, Employee Member