

Parties to Dispute: ( Brotherhood Railway Carmen of the United  
( States and Canada  
(  
(  
( Missouri Pacific Railroad Company

The Agreement does not specify how long Carrier may take to return an employee to duty under circumstances such as those before us. It is uniformly conceded that a carrier has a reasonable time to conduct its own examination of an employee returning from medical leave and to evaluate the results of

such examination. The decisions of this Division hold that, in the absence of unusual circumstances, a five (5) day period allows a carrier an adequate amount of time for evaluation of medical data where there are no complications.

In our Award No. 8113, which resolved a dispute between the instant parties, we held:

"In the absence of complications or the requirement for unusual testing, the Board finds that the five-day limit began with the day following the examination..."

The award further makes clear that the five days are to be working days available to the medical officer. Therefore, in the dispute before us:

The examination took place on Wednesday, January 4. The five working days would be Thursday the 5th, Friday the 6th, Monday the 9th, Tuesday the 10th and Wednesday the 11th. Carrier was obligated to restore Claimant to duty on January 12, 1978. His claim is good for that day only.

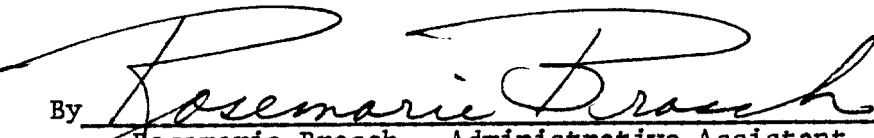
A W A R D

Claim sustained to the extent indicated above.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest: Executive Secretary  
National Railroad Adjustment Board

By

  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 5th day of November, 1980.