

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12870
Docket No. 12602
95-2-92-2-149

The Second Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

(Brotherhood of Railway Carmen
(Division of TCU)
PARTIES TO DISPUTE: (
(Chicago and Northwestern Transportation
(Company

STATEMENT OF CLAIM:

- "1. Coach Cleaner Sheina King, Chicago, Illinois, was unjustly removed from service on December 20, 1990, due to alleged medical disqualification and the Chicago, & North Western Transportation Company violated Rules 26, 27, and 32 of the controlling agreement and failed to hold a hearing after Claimant was removed from service.
2. Accordingly, Coach Cleaner Sheina King be compensated for eight (8) hours pay per day from the day she was removed from service on December 20, 1990, until her return to service on January 10, 1991."

FINDINGS:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

This claim is a continuation of basically the same dispute resolved against Claimant in our Award 12733, adopted on September 13, 1994. The Organization alleges that Carrier delayed in returning Claimant to work after being released by her Physician. The facts in this case demonstrate that on December 21, 1990, Carrier's Medical Department sent Claimant a letter indicating the information needed from her personal Physician in order that she be medically qualified to return to service. This information was not provided Carrier until January 2, 1991. After review by Carrier's Medical Department she was allowed to return to duty, and did so on January 10, 1991. There is no showing in this record that after receipt of the requested medical information Carrier took an inordinate time to evaluate the data and return Claimant to service. The claim is without merit. It will be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 17th day of April 1995.