

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 13015
Docket No. 12950-I
96-2-94-2-102

The Second Division consisted of the regular members and in addition Referee Robert L. Hicks when award was rendered.

PARTIES TO DISPUTE: (Steven Weeks
(
(The Belt Railway Company of Chicago

STATEMENT OF CLAIM:

"Re: For the deceptive and discriminatory labor practice which caused the force release of Carmen, Steven Weeks. Work number 5879 from the Chicago Belt Railroad Company, 6900 South Central Avenue."

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 were given due notice of hearing thereon.

Claimant, in a letter dated July 9, 1993, submitted his resignation stating:

"On this date I resign my job at the Belt Railroad.

(s) Steven Weeks
5879"

Claimant contends he was forced to resign under duress and that he should be allowed to withdraw his resignation, return to work and be paid for all time lost.

Claimant's allegation of duress was based on a letter from the Carrier dated June 30, 1993, reading, in part, as follows:

"You are hereby given an explicit order to resign from the service of Trailer Train or the Belt Railway Company of Chicago no later than July 9, 1993, or you will be subject to discipline. If you resign from Trailer Train, you will present to the undersigned a copy of your formal resignation."

The aforementioned allowed Claimant three choices:

- 1 - Resign from Trailer Train
- 2 - Resign from the Belt Railway
- 3 - Face disciplinary action.

Claimant chose option 2. Had he resigned from Trailer Train, he would be still employed with the Carrier. Had he opted not to resign from either company, but face disciplinary action, who knows what his fate would have been.

The resignation is bona fide. Claimant had options; thus his resignation is not found to be forced.

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 10th day of July 1996.