

Award No. 7233
Docket No. MS-7981

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

MISS ETHEL LIGHTSTEIN

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: Petitioner claims that she was wrongfully removed from her employment on the basis of an inadequate physical examination; that she is not physically incapacitated in fact; that her grievance under Rule 34 has not been heard; that Rules 98 and 87 have not been complied with; and, that she is entitled to restoration to her former position and compensated for the wage loss she has sustained.

OPINION OF BOARD: The evidence of record reveals that the parties to the controlling agreement are in accord that the claim is not supported by the rules.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence finds and holds:

That the Carrier and Employee involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

AWARD

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 6th day of February, 1956.