

Award No. 18789
Docket No. CL-19150

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Robert A. Franden, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP
CLERKS, FREIGHT HANDLERS, EXPRESS AND
STATION EMPLOYES**

DETROIT, TOLEDO & Ironton RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-6884) that:

1. The Carrier violated the Clerks' Agreement when on November 19, 1969, it would not allow Anna L. Estes, Flat Rock, Michigan, to return to service.
2. Claimant Estes, shall now be reinstated to service with the Carrier with seniority and all other rights unimpaired.
3. Mrs. Estes shall now be compensated for all wages and other losses sustained account the Carrier denying her right to return to service.

OPINION OF BOARD: This case arises out of the failure of Claimant Estes to comply with Rules 17(a) and (c) which read as follows:

"RULE 17-LEAVE OF ABSENCE

(a) An employe desiring to remain away from service must obtain permission from his immediate supervisor, except in case of accident or sickness, in which case his immediate supervisor must be notified as promptly as practicable. Request for leave of absence for a longer period than thirty (30) calendar days must be in writing.

* * * * *

(c) An employe who fails to report for duty at the expiration of his leave of absence will forfeit his seniority rights, except when failure to report on time is the result of unavoidable delay, in which case the leave will be extended to include such delay."

Rule 17(a) is clear. Leave of absence in excess of 30 days must be requested in writing. This the Claimant failed to do.

Rule 17(c) is clear also and the Claimant must do more than allege unavoidable delay to come under the exception.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees 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 herein; and

That the Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 22nd day of October 1971.