

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22984
Docket Number CL-22980

Robert A. **Franden**, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and
(Steamship Clerks, Freight Handlers,
(Express and Station Employees
(
(Chicago, Rock Island and Pacific
(Railroad Company
((William **M.** Gibbous, Trustee)

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-8853) that:

1. Carrier violated the Clerks' Agreement **when** on August 23, 1977 it assessed the personal record of Clerk B. S. Wright, Janitor-Stevedore, **Kansas** City, **Kansas** with **thirty** (30) demerits for his alleged failure to comply with Rule Q of the Uniform Code of Operating Rules and **secure** a leave of absence after sustaining an on duty personal injury **on** June 8, 1977.

2. Carrier shall now be required to remove the above demerit marks from Clerk Wright's personal record and clear his personal record of any **mention** of the charges resulting in this discipline.

OPINION OF BOARD: Claimant was disciplined for an alleged violation of **Rule Q** of General Regulations of Form G-147 revised. Said rule reads in pertinent part as follows:

"An absence of ten (10) days or less **may** be arranged for with the **employee's immediate** supervisor who is authorized to grant such request.

"An absence of more than ten (10) days must be **arranged** for in writing, with the **trainmaster, yardmaster,** general foreman, agent or other comparable supervisor of the carrier. Employees desiring to lay off for a period of ten (10) days or less must specify the number of days they desire to be off. If leave is account illness, doctor's certificate showing diagnosis, **and** prognosis **must** be supplied. **Failure** to **observe** this regulation may result in closing **of the** employee's record."

The record in the **instant** case fails to support the Carrier's finding of **guilt.** There is no question but that **claimant was** absent from work due to an **injury which** occurred while he was on **duty.** (Claimant was not absent without **proper** authority.)'

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 **involved** herein; and

That the Agreement was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulson
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1980.