

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24372**
Docket Number CL-2495

Edward M. Hogan, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station **Employees**
(
(Toledo, Peoria and Western Railroad **Company**

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood (GL-9617)
that:

1. Carrier violated the **terms of** the current Agreement, particularly Rule 25, when **under** date of May 27, **1981**, it withheld from service Ms. **Davon L. Bearden** pending a medical examination, after which **on** August 24, **1981**, Carrier made such absence **permanent** on the basis of • purported **claim** that Ms. **Davon L. Bearden** was **mentally unable** to handle the stress of office-type work, without benefit of **formal** hearing, and;

2. Carrier shall be required to restore Me. **Davon L. Bearden** to service with all rights **unimpaired**, and compensate her for all monetary losses suffered, to include fringe benefits, **commencing** August 24, 1981, **the** date Carrier notified the **Claimant** she was **disqualified from** future employment, and continuing until this violation is corrected.

OPINION OF BOARD: **This dispute arises out of the same matter as was considered in Award No. 24371. Although the**
Organization states an **additional** issue, we find that the issues arise out of the **same** dispute. We also **find** that **in** this case, the disputes should be resolved in **similar** fashion.

Therefore, we cite our Award No. 24371 as our Award in
this matter.

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

Thetthe **parties waived** oral bearing;

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 **claim** be **remanded** to the property.

A W A R D

Claim remanded to the property for additional handling as indicated in the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May 1983.

