

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number **24393**  
Docket Number **MW-24460**

Rodney E. Dennis, Referee

**PARTIES TO DISPUTE:** (Brotherhood of Maintenance of Way Employees  
(The Atchison, Topeka and Santa Fe Railway Company

**STATEMENT OF CLAIM:** "Claim of the System **Committee** of the Brotherhood that:

Claimant Dale K. Wilson shall be reimbursed for all compensation loss suffered by him as a result of being improperly withheld from service beginning May 19, 1980 (System File **50-400.26-801/11-1500-20.1-6**)."

**OPINION OF BOARD:** Claimant, D. K. Wilson, is employed by Carrier as a **Trackman**. On April 25, 1980, he sustained **an injury** that required his being granted a **30-day** leave of absence. **The leave** was to expire on **May 26, 1980**. On May 19, 1980, after examination by his personal physician and notification to Carrier's medical personnel, Claimant was released for active service. **He reported for work on May 19, 1980, but was not allowed to return to duty on** because Carrier's Supervisor had not received an official release of **Claimant** from Dr. **Khuri**, Carrier's **Medical** Director. Claimant was allowed to return to work on **May 27, 1980**.

A review of the record of this case reveals that Carrier's **medical** personnel were properly notified on **May 12, 1980**, that **Claimant** would be returning to work on May 19, 1980. He **was** not allowed to **return** to work until **May 27, 1980**. This Board is of the opinion that Claimant **was** held out of service an excessive **period of time** and that he was not timely restored to service. **We**, consequently, shall sustain the instant claim and grant **Claimant** five days' compensation at the pro rata rate.

**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 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 violated.

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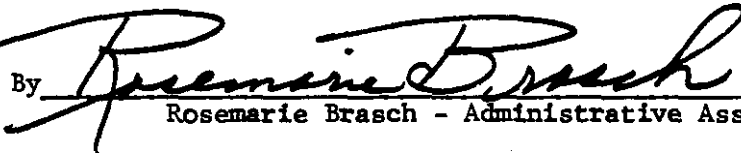
A W A R D

Claim sustained in accordance with the Opinion.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

'Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By



Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 26th day of May 1983.

