

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24.578
Docket Number MS-24387

Ida Klaus, Referee

(Myrne A. Campbell)

PARTIES TO DISPUTE: (

(New Orleans Public Belt Railroad Company

STATEMENT OF CLAIM:

"I have enclosed eight (8) copies of Claim for one (1) Personal Leave Day, December 29, 1980, which was denied me.

Upon returning from five (5) weeks Vacation, (November 1, 1980 thru December 7, 1980 Inc.! I requested two personal leave days December 26th and December 29th, 1980. I was not notified until December 23rd, by my Supervisor Mr. D. D. Childress, Manager, Engineering & Maintenance, that I would only be allowed December 26, 1980.

I requested the days, per my letter of December 8th, 1980 and was not notified until December 23 that I could only have one day off. I feel that he should have given me his denial prior to the 23rd, so that I could have rescheduled the time off."

OPINION OF BOARD:

The grievant protests the denial of her request for a personal leave day. She seeks a penalty payment.

On December 8, 1980, the grievant requested two personal leave days (in lieu of sick leave) for December 26 and 29, 1980. On December 23, she was allowed the first day; the second day was denied upon the grievant's statement that she would be unable to complete her overdue assigned monthly reports by the end of the year.

The grievant asserts that the notice of denial was given too late to permit her to reschedule the time off.

The Carrier responds that it acted in accordance with its authority under the National Agreement.

Article IX, Section 2, of the Agreement provides that two days of personal leave in lieu of sick leave may be taken during each year "only when consistent with the requirements of the Carrier's service". In view of the grievant's uncompleted year-end work, the Carrier says, a personal leave day on December 29 was not consistent with the requirements of its service.

On full analysis of the record, including the Agreement and the January 13, 1979, letter of clarification, the Board concludes that there is substantial evidence to support the Carrier's denial of the personal leave day for reasons of the requirements of the service. The late date of the grievant's request and the unfinished state of her periodic reports afford a reasonable basis for the Carrier's judgment.

We find no basis in the record to support the **grievant's** complaint that there was undue delay in giving her notice of the denial or that she was actually prejudiced by the notice date.

Accordingly, we must confirm the Carrier's judgment. The grievance will be denied.

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 not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third Division

ATTEST:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 15th day of December 1983.

