

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25233
Docket Number MS-25184

Eckehard Muessig, Referee

(Gerald **Benore**

PARTIES TO DISPUTE: (

(The Chesapeake and Ohio Railway Company

STATEMENT OF CLAIM:

'**Claim** of track laborer Gerald **Benore**, for reinstatement with full seniority and vacation rights and pay for all time lost since 1/16/82 on account of being deprived of time extension for reporting to **work** due to injury..

OPINION OF BOARD: There are a number of **issues** and conflicting **assertions** by the parties to this dispute that are a matter of record and have been thoroughly reviewed by the Board. The major substantive issue before the Board turns on the question of whether the Claimant failed to adhere to the **reporting** requirements contained in the controlling Rule. The Board finds that the Claimant was properly notified to report back to duty. **His** failure to protect his seniority, although he was aware of the date when he was to return to work, was of his doing. We find that his contentions, with respect to illness, are not supported by the record. Accordingly, under the circumstances herein, the **Board** has no basis to upset the Carrier's imposed penalty.

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 31st day of January 1985.