

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26373  
Docket Number MU-25951

Eckehard **Muessig**, Referee

(Brotherhood of Maintenance of Way Employees  
PARTIES TO DISPUTE: (  
(**Southern** Pacific Transportation Company (Eastern Lines)

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

(1) Apprentice Foreman, L. C. **LeDoux** was improperly withheld from service beginning **August** 22, 1983 for alleged 'medical reasons' (System Files MW-83-108 and MW-83-127).

(2) The Carrier shall **now** compensate Mr. L. C. **LeDoux** for all wage loss suffered beginning August 22, 1983 and continuing until he is returned to work."

OPINION OF BOARD: In this dispute, the Organization contends that Claimant was improperly withheld from the service of the Carrier for medical reasons.

The Board has **thoroughly** reviewed the record and has considered the evidence properly before **us**. On the basis of this review, while reasonable arguments may be made that a third medical opinion should have been obtained in this case, on balance of **all** factors herein, we find no basis to warrant overturning the findings of the Carrier. Accordingly, the Claim is 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.

Award Number 26373  
Docket Number MW-25951

Page 2

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest:

  
Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of June 1987.