

The Third Division consisted of the regular members and in addition Referee John E. Cloney when award was rendered.

(Mary Bogosto
PARTIES TO DISPUTE: (
(The Pittsburgh and Lake Erie Railroad Company

STATEMENT OF CLAIM:

"I differ with Mr. R. I. Kilroy's decision of 8-25-86 regarding my appeal to get one (1) day's wages for beng injured and sick on 2-21-85. I did not return to work because I was still sick. Mr. Kilroy is not a licensed physician by writing to me that 'you could have returned to work on 2-21-85.' That is why I got a corrected letter from my licensed physician for 2-21-85 for my absence or I would have been at work."

FINDINGS:

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

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

Claimant who had been on sick leave since January 21, 1985, was released by her physician to return to work on February 20, 1985, but did not arrange for a return to service physical until February 22, 1985. After learning she was "docked" for February 21, 1985, she submitted a "corrected" note dated April 20, 1985, indicating February 22, 1985, was the date on which she could have returned. Carrier refused to pay sick pay for February 21, contending the original medical statement was "clear and unambiguous."

The Organization pursued the Claim to Carrier's highest Labor Relation's Officer who denied the Claim on February 11, 1986.

The Carrier contends that this Board lacks jurisdiction to review this case on the merits because Claimant is disputing the Organization's position in this matter and that Claimant included arguments in her position before this Board that wasn't argued on the Property.

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Award No. 27288
Docket No. MS-27390
88-3-86-3-618

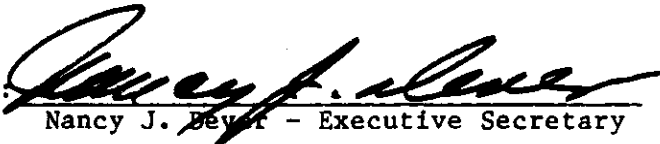
The record indicates that this Claim lacks merit on the facts and further that Carrier is correct in its position that the Claim is not properly before this Board.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 12th day of August 1988.