

Award No. 8302
Docket No. MS-8435

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

WILLIAM M. DANIELS

SOUTHERN PACIFIC COMPANY (Pacific Lines)

STATEMENT OF CLAIM: That the question upon which an award is desired is whether the petitioner has been improperly retained on indefinite sick leave by the carrier, thereby depriving said petitioner of wages and other benefits of employment during such leave.

OPINION OF BOARD: Claimant William M. Daniels entered service with the Carrier on March 17, 1953. On or about July 14, 1953 he was withheld from service following an examination as to his physical condition. Since that date Carrier has continued to carry his name on the seniority roster as an employee on sick leave of absence.

He now petitions the Division that he be reinstated as an active employee of the Carrier and that he be awarded back pay retroactive to July 14, 1953, contending that Carrier's action was wrongful and in violation of the Collective Bargaining Agreement applicable to his service.

Having carefully considered all of the Complainant's allegations, the Carrier's reply thereto, and other facts and circumstances revealed by the record, the Division finds and holds that Complainant's contentions are without merit.

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

That both parties to this dispute waived oral hearing thereon;

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 3rd day of April, 1958.