

Award No. 18067
Docket No. MW-18639

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John B. Criswell, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

GRAND TRUNK WESTERN RAILROAD COMPANY

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

(1) The dismissal of Crossingman Edmund J. Kretz was without just and sufficient cause and based upon unproven charges (System File 4425-610).

(2) Crossingman Edmund J. Kretz be reinstated with seniority and all other rights unimpaired and that he be compensated for all wage loss suffered in accordance with Article VI (d).

OPINION OF BOARD: Claimant asked for a June vacation date in 1969, and his request was denied by Carrier because of senior employees' requests. He was given an April date and during conversations with a superior said he had a cabin rented during June and would take his vacation at that time despite the denial.

On June 2, Claimant called in and laid off sick. He was told he would be required to produce a doctor's statement covering the time off. He remained absent until June 15, when he attempted to return to work.

On June 16, he was again told he must have the doctor's report. On that date he produced a statement which was dated June 14, saying he may return to work on June 16. Carrier contends this document covers only two days, since it obtained a statement from the doctor that he had not seen the Claimant until the 14th.

At the investigation on Claimant's dismissal—held July 15—a document was introduced from a dentist which was dated July 1 and said Claimant had been treated on June 3, and advised to remain home from work "for a few days."

While Claimant did produce medical statements covering part of his absence, we conclude, as did Carrier, that there are days not so covered. We find that the investigation was fair, and the finding supported to the extent that this Board will not overturn the decision of Carrier.

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

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of **THIRD DIVISION**

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 7th day of August 1970.