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NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22125
Docket Number CL-21826

Don Hamilton, Referee

PARTIES TO DISPUTE: (Brotherhood of Railway, Airline & Steamship
(Clerks, Freight Handlers, Express and
(Station Employees
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood
(GL-8217) that:

(a) The Southern Pacific Transportation Company violated the Clerks' Agreement extant, Rule 66 thereof, when it failed and refused to allow Mr. F. E. Jacobs, Jr., sick leave compensation for bona-fide illness on each date July 23, 26, 27, 28, 29 and 30, 1971 and, instead, made deduction from his pay for such days absent.

(b) The Southern Pacific Transportation Company shall be required to allow Mr. F. E. Jacobs, Jr., four (4) hours' compensation July 23, 1971, and eight (8) hours' compensation each date July 26, 27, 28, 29 and 30, 1971, at rate of his assignment, \$34.82 per day.

OPINION OF BOARD: The claimant was relieved from duty account of illness, July 23, 1971. Claimant sought a release to go back to work, August 2, 1971. The company doctor gave the claimant a release form for August 2, 1971 only, since the claimant had not visited the doctor during the 11 days he had been off work.

Rule 66 provides in part:

"The employing officer must be satisfied that the sickness is bona fide. Satisfactory evidence as to sickness in the form of a certificate from a reputable physician, preferably a company physician, will be required in case of doubt."

In this case the claimant worked four hours July 23, 1971 and then reported to the office of the company doctor. The doctor was not in, but the nurse on duty advised the claimant to go home.

The claimant made no further contact with the clinic until he visited the doctor August 2, 1971.

The company believed that the absence from work was related to the pending UTU strike.

The wife of the claimant is a nurse and the organization believed that she could take proper care of him and that it was unnecessary for him to see the doctor during his absence from work.

Rule 66 has been negotiated by the parties and we are not at liberty to change it or apply equitable relief in behalf of the claimant to accommodate the argument of the organization.

The company was not satisfied that sick leave was proper. Therefore a doubt existed. The company required the evidence it had a right to request under Rule 66. The claimant did not produce the requested evidence and the claim was denied. No basis has been advanced which would justify reversing the decision of the Carrier in this case.

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;

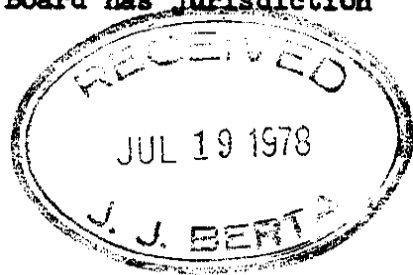
That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

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:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June 1978.