

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 22984  
Docket Number CL-22980

Robert A. Franden, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and  
( Steamship Clerks, Freight Handlers,  
( Express and Station Employees  
(  
(Chicago, Rock Island and Pacific  
( Railroad Company  
( (William M. Gibbons, Trustee)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-8853) that:

1. Carrier violated the Clerks' Agreement when on August 23, 1977 it assessed the personal record of Clerk B. S. Wright, Janitor-Stevedore, Kansas City, Kansas with thirty (30) demerits for his alleged failure to comply with Rule Q of the Uniform Code of Operating Rules and secure a leave of absence after sustaining an on duty personal injury on June 8, 1977.

2. Carrier shall now be required to remove the above demerit marks from Clerk Wright's personal record and clear his personal record of any mention of the charges resulting in this discipline.

OPINION OF BOARD: Claimant was disciplined for an alleged violation of Rule Q of General Regulations of Form G-147 revised. Said rule reads in pertinent part as follows:

"An absence of ten (10) days or less may be arranged for with the employee's immediate supervisor who is authorized to grant such request.

"An absence of more than ten (10) days must be arranged for in writing, with the trainmaster, yardmaster, general foreman, agent or other comparable supervisor of the carrier. Employees desiring to lay off for a period of ten (10) days or less must specify the number of days they desire to be off. If leave is account illness, doctor's certificate showing diagnosis, and prognosis must be supplied. Failure to observe this regulation may result in closing of the employee's record."

(The record in the instant case fails to support the Carrier's finding of guilt.) There is no question but that claimant was absent from work due to an injury which occurred while he was on duty. (Claimant was not absent without proper authority.)

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 violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST:

A. W. Paulson  
Executive Secretary

Dated at Chicago, Illinois, this 29th day of September 1980.