

143
NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 23453
Docket Number MS-23476

A. Robert Lowry, Referee

PARTIES TO DISPUTE:

{ Bonnie L. Holland
{ Chicago, Milwaukee, St. Paul and Pacific
{ Railroad Company

STATEMENT OF CLAIM: "Statement of Fact: On November 25, 1979, I returned to Tacoma, Washington, because of a family illness which I considered an emergency. I notified the carrier by letter at my earliest opportunity on Wednesday, November 28, 1979, that I had returned to Tacoma, Washington, account of a family emergency. I also informed the carrier that I felt it necessary that I relinquish my position as steno/clerk in the Division Manager's office in Milwaukee, Wisconsin. I also included my forwarding address. In reply I received a letter from the carrier stating that I was on unauthorized leave of absence and that as a result of my relinquishing my permanent position, I had forfeited my seniority rights in all seniority districts..

I feel that the first paragraph of my original letter to Mr. McKegney automatically placed me on leave of absence as per rule 25, paragraph (a) which states that an employee detained from work because of sickness or personal injury of himself or an immediate member of his family will be regarded as on leave of absence and his return to service will be governed by the provisions of Rule 23 (e).

In regards to relinquishing my position, rule 8(b) states an employee voluntarily relinquishing his permanent position cannot displace a regularly assigned employee but will be considered furloughed as of date of relinquishment and, if he desires to protect his seniority rights, must comply with the provisions of Rule 12(b). The provisions of this rule 8(b) apply only during the thirty (30) working day qualification period referred to in Rule 8(a) or in a case where the physical condition of an employee so changes as to make him physically unable to continue on the assignment. Exceptions may be made in meritorious cases.

My first day on position #34110 was October 17, 1979. I actually worked the position 24 days, was off sick 3 days, and was paid 1 holiday, my last day being November 23, 1979.

I feel that I have been unjustly dismissed and am asking for reinstatement of all seniority rights on both the Washington and Wisconsin Division."

OPINION OF BOARD: Ms. Bonnie L. Holland, the Claimant, was regularly assigned to Steno-Clerk Position No. 34110. She last worked the position on November 23, 1979 and has been absent without proper authority since that date.

The record clearly shows Claimant never presented a grievance to Carrier under the applicable agreement, nor did she attempt to handle the claim in the usual manner on the property. The claim, therefore, was not handled as required by Section 3, First (1) of the Railway Labor Act and Circular No. 1 of this Board. See Awards 17166, 19620, 19709, 20574, 21440 and 23023.

The claim must be dismissed.

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 claim be dismissed.

A W A R D

Claim dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:

A. W. Paulson

Executive Secretary

Dated at Chicago, Illinois, this 8th day of December 1981.

