

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24372
Docket Number CL-24545

Edward M. Hogan, Referee

PARTIES TO DISPUTE:

(Brotherhood of Railway, Airline and Steamship Clerks,
(Freight Handlers, Express and Station Employees
(
(Toledo, Peoria and Western Railroad Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood (GL-9617)
that:

1. Carrier violated the terms of the current Agreement, particularly Rule 25, when under date of May 27, 1981, it withheld from service Ms. Davon L. Bearden pending a medical examination, after which on August 24, 1981, Carrier made such absence permanent on the basis of a purported claim that Ms. Davon L. Bearden was mentally unable to handle the stress of office-type work, without benefit of formal hearing, and;

2. Carrier shall be required to restore Ms. Davon L. Bearden to service with all rights unimpaired, and compensate her for all monetary losses suffered, to include fringe benefits, commencing August 24, 1981, the date Carrier notified the Claimant she was disqualified from future employment, and continuing until this violation is corrected.

OPINION OF BOARD: This dispute arises out of the same matter as was considered in Award No. 24371. Although the Organization states an additional issue, we find that the issues arise out of the same dispute. We also find that in this case, the disputes should be resolved in similar fashion.

Therefore, we cite our Award No. 24371 as our Award in this matter.

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 remanded to the property.

A W A R D

Claim remanded to the property for additional handling as indicated in the Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 13th day of May 1983.

