

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24393
Docket Number MW-24460

Rodney E. Dennis, Referee

PARTIES TO DISPUTE: { Brotherhood of Maintenance of Way Employees
{ The Atchison, Topeka and Santa Fe Railway Company

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

Claimant Dale K. Wilson shall be reimbursed for all compensation loss suffered by him as a result of being improperly withheld from service beginning May 19, 1980 (System File 50-400.26-801/11-1500-20.1-6)."

OPINION OF BOARD: Claimant, D. K. Wilson, is employed by Carrier as a Trackman. On April 25, 1980, he sustained an injury that required his being granted a 30-day leave of absence. The leave was to expire on May 26, 1980. On May 19, 1980, after examination by his personal physician and notification to Carrier's medical personnel, Claimant was released for active service. He reported for work on May 19, 1980, but was not allowed to return to duty on because Carrier's Supervisor had not received an official release of Claimant from Dr. Khuri, Carrier's Medical Director. Claimant was allowed to return to work on May 27, 1980.

A review of the record of this case reveals that Carrier's medical personnel were properly notified on May 12, 1980, that Claimant would be returning to work on May 19, 1980. He was not allowed to return to work until May 27, 1980. This Board is of the opinion that Claimant was held out of service an excessive period of time and that he was not timely restored to service. We, consequently, shall sustain the instant claim and grant Claimant five days' compensation at the pro rata rate.

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 in accordance with the Opinion.

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 26th day of May 1983.

