

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 26373
Docket Number MW-25951

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees
(
(Southern Pacific Transportation Company (Eastern Lines)

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

(1) Apprentice Foreman, L. C. LeDoux was improperly withheld from service beginning August 22, 1983 for alleged 'medical reasons' (System Files MW-83-108 and MW-83-127).

(2) The Carrier shall now compensate Mr. L. C. LeDoux for all wage loss suffered beginning August 22, 1983 and continuing until he is returned to work."

OPINION OF BOARD: In this dispute, the Organization contends that Claimant was improperly withheld from the service of the Carrier for medical reasons.

The Board has thoroughly reviewed the record and has considered the evidence properly before us. On the basis of this review, while reasonable arguments may be made that a third medical opinion should have been obtained in this case, on balance of all factors herein, we find no basis to warrant overturning the findings of the Carrier. Accordingly, the Claim is denied.

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 not violated.

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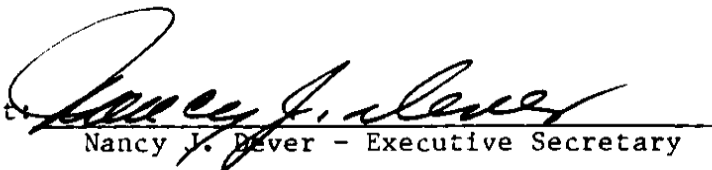
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Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Bever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of June 1987.