

The Third Division consisted of the regular members and in addition Referee Ronald L. Miller when award was rendered.

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes
(The Kansas City Southern Railway Company

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

(1) The resignation of Apprentice Foreman H. R. Henry on December 5, 1984 was obtained through coercion and duress and it was thereby invalid (Carrier's File 013.31-319).

(2) Apprentice Foreman H. R. Henry shall be reinstated with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On December 5, 1984, the Claimant acknowledged and signed a statement of resignation from employment with the Carrier. The Claimant met with his Union Representative prior to signing the resignation, and a Union Representative witnessed the signing. There is no basis in the record of the case to conclude that the Claimant acted under coercion and duress from the Carrier. The Claimant had sufficient time to consider the circumstances of his situation and the consequence of his action. The Claimant's resignation was voluntary.

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Award No. 26835
Docket No. MW-27132
88-3-86-3-185

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 25th day of February 1988.