

The Third Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10275) that:

1. Carrier, acting arbitrarily, violated Rule 19 and other related rules of the Agreement when, on January 1, 1987, it failed to credit Claimant with any sick leave allowance to be utilized by him during calendar year 1987.

2. Carrier shall now be required to compensate Claimant an amount equal to seven and one-half (7 1/2) days of sick leave allowance or failing to do that, credit him with the number of days of sick leave allowance consistent with rate progression provisions applicable to Claimant.

(CARRIER'S FILE NO. TCU-TC-2574, CHRIS KNOLL)"

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.

This dispute focuses on the question of whether the Claimant is entitled to sick leave. The Claimant contends that he was improperly denied sick leave allowance for calendar year 1987. The Board has carefully reviewed the evidence properly before us and has considered the Organization's arguments. However, these contentions cannot overcome what we consider the clear language of Rule 19(a), applicable here.

The record shows that the Claimant was compensated for 100 days of service during 1986. There is no dispute that the 100 days of work in 1986 was an insufficient amount of time to qualify the Claimant for vacation days in 1987. Rule 19(a) of the Agreement, in pertinent part, states:

"In the third calendar year in which an employee is entitled to a vacation, he/she will receive a sick leave allowance of 10 days."

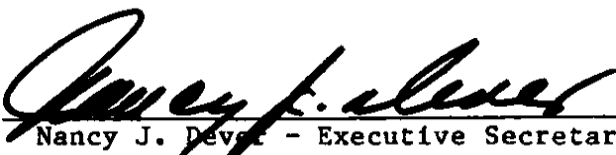
Accordingly, because the Claimant was not entitled to a paid vacation in 1987, he also did not qualify for sick leave in 1987.

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 28th day of February 1990.