

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISIONAward No. 31442
Docket No. Ms-32108
96-3-94-3-522

The Third Division consisted of the regular members and in addition Referee Martin H. Malin when award was rendered.

PARTIES TO DISPUTE: (William L. Beaumont
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(Paducah & Louisville Railway, Inc.

STATEMENT OF CLAIM:

- "(1) Carrier violated the Agreement between the Parties, when it wrongfully discharged W. L. Beaumont from service for failure to comply with Rule 24, Paragraph (d) of the Schedule of wages and Rules.
- (2) Carrier shall now be required to reinstate W. L. Beaumont to service of the Carrier, with pay for all time lost and all rights unimpaired, commencing March 1, 1992.
- (3) Carrier shall now be required to complete a full investigation, which was not afforded W. L. Beaumont at the time he was discharged, and is within his rights that said investigation be completed."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 were given due notice of hearing thereon.

Claimant was employed as a Clerk. From September 20, 1991, until February 29, 1992, Claimant was on a medical leave of absence. Upon expiration of his leave of absence, Claimant failed to contact Carrier. On March 6, 1992, Carrier notified Claimant that he had forfeited his seniority.

Rule 24(d) provides:

"An employee who fails to report for duty at the expiration of leave of absence shall forfeit his seniority rights, except when failure to report on time is the result of unavoidable delay, in which case the leave will be extended to include such delay."

This Board has held on numerous occasions that Rules such as Rule 24(d) are self-executing. See, e.g., Third Division Awards 24769, 27894, 28764, 29804. When Claimant failed to report following the expiration of his leave of absence, loss of seniority and termination were automatic under the Rule.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 25th day of April 1996.