

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 42275  
Docket No. MW-42555  
16-3-NRAB-00003-140224

The Third Division consisted of the regular members and in addition Referee Louis V. Imundo, Jr. when award was rendered.

**(Brotherhood of Maintenance of Way Employees Division -  
( IBT Rail Conference**  
**PARTIES TO DISPUTE: (**  
**(BNSF Railway Company**

**STATEMENT OF CLAIM:**

**“Claim of the System Committee of the Brotherhood that:**

- (1) The Agreement was violated when the Carrier failed to comply and return Claimant T. Brunner to service after being released by his personal physician on March 11, 2010, following a medical leave of absence (System File C-10-P018-31-10-10-0396 BNR).**
- (2) As a consequence of the violation referred to in Part (1) above, Claimant T. Brunner shall ‘. . . be paid for all straight time, overtime, Holiday pay, and credited the vacation qualifying days that he was not allowed to work during the claim period beginning March 29, 2010, until the Carrier returned the Claimant to work on April 16, 2010.”**

**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.

The Carrier did not have good and sufficient reason(s) to have delayed in returning the Claimant to service. Accordingly, the Claimant is entitled to ten days at the straight time rate of pay in effect at the time.

**AWARD**

Claim sustained in accordance with the Findings.

**ORDER**

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**By Order of Third Division**

Dated at Chicago, Illinois, this 21st day of April 2016.