

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 42276  
Docket No. MW-42556  
16-3-NRAB-00003-140225

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

**PARTIES TO DISPUTE:** (Brotherhood of Maintenance of Way Employees Division -  
( IBT Rail Conference  
(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 promptly return Claimant D. Palmgren to service on January 26, 2011, after being released by his personal physician following a medical leave of absence (System File C-11-P018-15/10-11-0263 BNR).
- (2) As a consequence of the violation referred to in Part (1) above, Claimant D. Palmgren shall ‘. . . be paid for all of his lost time, straight time and overtime, that was worked by the employee whom he displaced between January 26, 2011 and February 8, 2011. Please advise when this payment will be made.’”

**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 period of time between the date when the Claimant was released to return to work by his personal physician and the date that he was returned to work was reasonable. Accordingly, the claim lacks merit and is denied.

**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 21st day of April 2016.