

PUBLIC LAW BOARD NO. 3308

Award No. 20
Case No. 21

PARTIES Brotherhood of Maintenance of Way Employees
TO
DISPUTE The Atchison, Topeka and Santa Fe Railway Company

STATEMENT
OF CLAIM

"Claim for reinstatement of former B&B Mechanic P. J. Lawrence, Los Angeles Division, with compensation for all wage loss and all other basic benefits/rights restored, account the claimant's resignation was submitted when he was unable to make a responsible decision."

FINDINGS Upon the whole record, the Board finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

I a letter dated March 25, 1982, Claimant advised the Carrier that he was resigning and so stated:

XXXX

"It is my hope that you will accept my resignation xxxx."

XXXX

The Carrier, in a letter dated March 25, 1982, advised the Claimant:

"This is to acknowledge receipt and acceptance of your written resignation on March 25, 1982.

"It is unfortunate that we are losing such a good employee as yourself, however, I do wish you the best of luck in the future."

In a letter dated April 15, 1982, Claimant wrote the Carrier requesting that he be allowed to withdraw his resignation and that he be granted a leave of absence. The Carrier advised Claimant, by letter dated April 19, 1982, that his resignation had been accepted and that his employment relationship with the Company had been officially terminated. The Carrier further advised Claimant that the only way he could re-establish his employment was to submit an application through their Employment Office.

The Organization contends that Claimant was in a mental state that impaired him from making a responsible decision of tendering his resignation.

After a careful review of the entire record, the Board holds that Claimant was able to make an appropriate decision at the time he submitted his resignation and finds that the Agreement was not violated.

AWARD Claim denied.

Clarence H. Herrington
Clarence H. Herrington
Neutral Member

M. Carman
Carrier Member

S. E. Fleming
Organization Member

Dated at Chicago, Illinois
March 1, 1983