

Parties  
to the  
Dispute

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES

vs.

CONSOLIDATED RAIL CORPORATION

Case No. 22

*Award No. 25*

STATEMENT OF CLAIM

System Docket CR-173D, Claim of M. D. Smith relative to forfeiture of seniority under Rule 28 of the applicable agreement.

OPINION OF THE BOARD

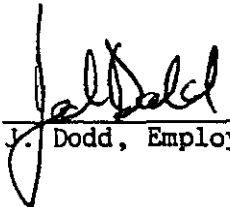
Claimant M. D. Smith was assigned as a Trackman in LaRue, Ohio. On September 15, 1982, he was furnished a medical form and advised to see a Carrier doctor. On September 21, 1982, he was qualified to return to service. A number of attempts to encourage Claimant to return to service were to no avail. Carrier then invoked Rule 28(b). Rule 28(b) is a self-implementing Rule that automatically caused Claimant to forfeit his seniority. A claim was filed that has resulted in this case before the Board.


At the hearing where this matter was discussed before the Board, it was agreed that Carrier would return Claimant to service and the instant case would be dismissed. The issue of seniority date was to be decided by the parties.

AWARD

The claim is dismissed.

  
R. E. Dennis, Neutral Member

  
J. Dodd, Employee Member

  
R. O. Neil, Carrier Member

1-30-86  
Date of Adoption