

PUBLIC LAW BOARD No. 4331: CASE No. 5
Award No. 5

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

v.

ILLINOIS CENTRAL GULF

STATEMENT OF CLAIM

Mitchell Mage was improperly removed from service under Rule 38.
Claim for reinstatement and pay for time lost.

FINDINGS

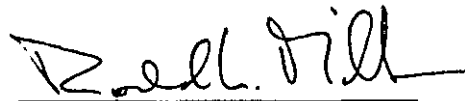
Rule 38 states:

"An employee who is absent from his assigned position without permission for seven (7) consecutive work days, will be considered as having abandoned his position and resigned from the service."

Mr. Mage was released to return to work by Dr. Sinclair on August 7, 1986. As of August 21, 1986, Mr. Mage had been absent from work without permission for more than seven (7) consecutive work days. Mr. Mage has not submitted adequate evidence in support of his claim that he notified the carrier. Rule 38 is self-executing.

AWARD

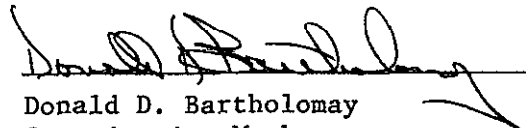
Claim denied.



Ronald L. Miller
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



Donald D. Bartholomay
Organization Member

28 September 1987

DATE