

PUBLIC LAW BOARD NO. 3539

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

versus

MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT

OF CLAIM: Claim of the System Committee that:

"Claim of Track Foreman A. P. Vera for 8 hours pay each work day and holiday as well as any overtime beginning February 3, 1983, and continuing until reinstated to service with seniority, vacation and all other rights unimpaired because Rule 12 was violated.

FINDINGS:

The evidence adduced at the investigation supported the charge of failure to properly report a personal injury. While it may appear that claimant has been off work a long time, it seems he was not released to return to work by his doctor until July 7, 1983 and was offered reinstatement on a leniency basis September 20, 1983.

Under these circumstances the claim is not sustainable.

AWARD:

Claim denied.

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Dudley E. Whiting
Dudley E. Whiting - Chairman

M. A. Christie
M. A. Christie
Employee Member

W. E. Naro
W. E. Naro
Carrier Member

November 1, 1984

File: 310-521