

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

GRAND TRUNK WESTERN RAILROAD COMPANY

vs.

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

Case No. 13
Award No. 13

STATEMENT OF CLAIM

V. R. Miles Forfeiture of Seniority - request that he be reinstated with his original seniority and Travelers Insurance Company be advised that the termination was not proper.

OPINION OF THE BOARD

Claimant V. R. Miles was a Bridge and Building Carpenter. He was allegedly injured on October 27, 1982. Claimant received medical attention on a number of occasions and was examined by a Company doctor on January 10, 1983, who indicated that he could return to work on a light-duty basis. Claimant contended that he could not perform the work assigned him by Carrier and consequently requested a 30-day leave of absence. Claimant was authorized that leave and a subsequent 30-day extension. His leave authorization ran out on June 13, 1983. On June 19, 1983, Claimant was notified to report

to the Company medical department for further medical evaluation. He was found physically qualified to return to regular duty and was so informed by letter dated June 23, 1983. He was instructed to return to work on June 27, 1983. He failed to do so. He was again notified by mail to return to work by July 12, 1983 or forfeit his seniority. Claimant did not return to work nor did he make any contact with Carrier. His name was removed from the Seniority Roster, effective July 12, 1983.

This Board has reviewed the record and has concluded that for all practical purposes, Claimant abandoned his job. He did not return to work as ordered, nor did he contact the Carrier to explain why he did not return to work. This Board is puzzled by the apparent indifference of Claimant to Carrier's request that he return to work or explain why he could not. Whatever the reason, Claimant did not communicate with Carrier on the subject. His failure to do so cannot be condoned. His actions have resulted in his name being removed from the roster and this Board has no basis on which to restore it.

AWARD

The claim is denied.

R. E. Dennis
R. E. Dennis, Neutral Member

R. J. O'Brien
R. J. O'Brien, Carrier Member

W. E. LaRue
W. E. LaRue, Employee Member

5-23-88
Date of Adoption