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SPECIAL BOARD OF ADJUSTMENT NO. 122

THE PITTSBURGH AND LAKE ERIE RAILROAD COMPANY
THE LAKE ERIE AND EASTERN RAILROAD COMPANY

Award No. 46
Case No. 10

VS

BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

STATEMENT OF CLAIM:

Claim of Baggage and Mail Handler Henry F. Dieter for two days pay for December 3 and 4, 1948, off duty these dates by reason of injury received on duty on November 30, 1948. (CL-41)

FINDINGS: The Board, upon the whole record and all the evidence, finds that:

The Carrier or Carriers and the employee or employees involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

The language of Rule 40(h) is broad enough to include within the scope of its coverage time lost through on-the-job injuries. Certainly, when the employee is injured while on duty, the relevance of Award No. 520, National Railroad Adjustment Board, Third Division, is most pronounced. This ruling stands as a strong precedent for applying on behalf of the claimant herein the sick leave benefits preserved by Rule 40(h).

AWARD: Claim sustained.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member Thereof.

Pittsburgh, Pennsylvania
June 3, 1958