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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. 52
Case No. 22

vs

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

STATEMENT OF CLAIM:

Claim of Clerk J. M. Kadilak for one day sick compensation, who was off duty account sickness on November 15, 1954. (CL-261)

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 circumstance that claimant's illness occurred on the day immediately following his regular rest days is not, in and of itself, a valid reason for absolving Carrier from compliance with and adherence to the sick leave allowances contemplated by Rule 40(h). Simply pointing to a certain frequency of prevalence is not enough either to impugn the genuineness of the sickness or to countenance a departure from the pattern of sick leave benefits heretofore deemed equitable. Nothing concrete has been offered in this case to prove that claimant's illness was not the cause of his absence.

AWARD: Claim sustained.

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/s/ Harold M. Gilden

Harold M. Gilden, Neutral and Only Member Thereof.

Pittsburgh, Pennsylvania
June 3, 1958