

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 59

Docket No. NEC-BMWE-SD-1910

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood that:

1. The Carrier violated the Agreement when it improperly closed the service record of Mr. P. Garcia (System File NEC-BMWE-SD-1910D).
2. Mr. P. Garcia shall be returned to service with seniority and all other rights unimpaired and he shall be compensated for all wage loss suffered."

FINDINGS:

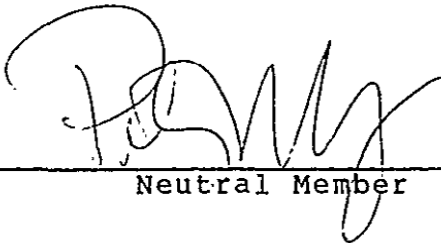
For approximately ten years, Claimant P. Garcia was employed as a carpenter by Carrier. On April 15, 1987, Claimant sustained an on-duty injury and received medical treatment. Claimant did not return to work thereafter. By letter dated June 2, 1987, Carrier asked Claimant for medical documentation of his physical condition, which Claimant referred to his physician. On June 18, 1987, Carrier informed Claimant that because Claimant had not informed Carrier of his medical status, Carrier considered Claimant to have resigned from service under Rule 21-A. The Organization thereafter filed a claim on Claimant's behalf, challenging his dismissal.

This Board has reviewed the record in this case, and we find that there is sufficient evidence in the record to support the Carrier's action in terminating the Claimant's seniority pursuant to Rule 21-A. The record reveals that the Claimant did not respond to the Carrier's request for medical documentation as to the reasons for his absence; and, therefore, the Carrier invoked Rule 21-A, which was specifically negotiated for this very purpose. The Claimant has not pointed to any

circumstances beyond his control which caused him to not notify the Carrier as to the reasons for his continued absence. Therefore, this claim must be denied.

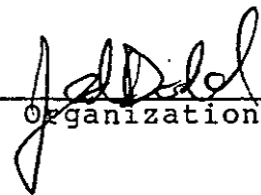
Award:

Claim denied.



Neutral Member

C. E. Hooker III
Carrier Member



Organization Member

Date: 8-18-88