

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

FRANCIS MILLER

RAILWAY EXPRESS AGENCY, INC.

STATEMENT OF CLAIM: The following is a brief description of the dispute:

Petitioner was employed by the Railway Express Agency, Incorporated and was unreasonably refused permission to return to work after being discharged from treatment by his doctor for an injury which resulted while at work. On the date petitioner reported to work he was fully able to carry on his duties. In spite thereof, he was unreasonably refused the right to return to work. Accordingly, claim is made for compensation for the period from November 3, 1952, when petitioner reported for work, ready and able to work, to September 1, 1953, when petitioner was reinstated.

OPINION OF BOARD: Based upon all the facts and circumstances of this dispute, the Board is not disposed to disturb the action of the Carrier.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the action taken by the Carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 17th day of June, 1955.