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Award No. 6  
Co. File 1229434  
Org. File 28149

## **PUBLIC LAW BOARD NO. 6567**

### **Parties:**

**Brotherhood of Locomotive Engineers  
And  
Union Pacific Railroad Co.**

### **Statement of claim:**

Claim of Engineer A. Rivera (hereinafter claimant) for compensation for all time lost, including time lost attending investigation in connection with claimant's assessment of Level 2 Upgrade on May 11, 2000. Claimant's personal record to be expunged of any notation pertaining to this case.

### **Background:**

Claimant entered carriers service on October 10, 1994. Claimant was in laid off sick status on February 6, 2000. For financial reasons claimant had his annual vacation period changed to February 7<sup>th</sup>. The vacation period ended on February 20<sup>th</sup>. Commencing February 21<sup>st</sup> claimant continued in laid off sick status. He remained in that status until the charge letter and the time frame of hearing on May 11, 2000.

### **Carrier Position**

Claimant was required to report upon completion of his vacation. In addition, carrier made numerous calls to claimant answering service, but never received a return call.

### **Organizations Position**

Claimant laid off sick on February 6, 2000. In order to have some income during this period, claimant had his vacation period changed to commence February 7<sup>th</sup> to February 20, 2000. At the completion of this period claimant returned to laid off sick status, as his condition remained the same.


**Findings:**

Several aspects of this case are troubling to the Board. The note from claimants doctor serves no purpose, as it is barely understandable. There appears to be no reason advanced for claimant's lack of response to calls from Mr. Snapp. Claimants phone includes an answering service. Carrier officer Snapp states he left messages, however he did not receive a return call. This action by the carrier was precipitated by claimants cavalier attitude towards his employment.

No compelling reasons exist for this Board to disturb carriers sanction.

**Award:**

Claim denied

  
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Leonard Foster, Neutral Member of the Board

2-21-03

Date