

THE EXPEDITED ARBITRATION
THE UNITED STATES POSTAL SERVICE
AND
NATIONAL ASSOCIATION OF LETTER CARRIERS, AFL-CIO

In the matter of

Case No. S1N-3W-C-27847

RANDALL SMITH

Pompano Beach, Florida

Appearances

United States Postal Service: Peter Marcoux

National Association of Letter Carriers, AFL-CIO: Bill Borroughs

AWARD OF THE ARBITRATOR

The undersigned Arbitrator, having been designated in accordance with the arbitration agreement entered into by the above-named parties, and dated the 21st day of July, 1981, and having heard the proofs and allegations of the parties, finds and awards as follows:

FACTS

The Grievant called in sick at 6:30 A.M. on September 3, 1983; his normal reporting time was 9:30 A.M. September 3, 1983 was a Saturday; the Grievant had Sunday off, and Monday was a legal holiday. The Grievant's supervisor suspected that the claimed sickness was a pretense, and that the Grievant was either trying to have an extended holiday, was probably out of town when he called, or was leaving to go out of town. These suspicions derived from the Grievant's having called in sick well ahead of his scheduled reporting time on the last work day preceeding a holiday. Based on these suspicions, the Supervisor instructed the Grievant to obtain medical documentation of his incapacity. The Union asserts that the requiring of medical certification violated §513.361 of the E&LRM, in that the Grievant was not on restricted sick leave, and the Grievant's supervisor had no basis for deeming such documentation desirable for the protection of the interests of the Postal Service.

DECISION

The prevention of sick leave for fabricated illnesses is desirable for the protection of the interests of the Postal Service. The claimed onset of an illness in the early morning of a workday preceeding a holiday weekend is suspect. The Grievant's supervisor acted neither arbitrarily nor capriciously in requiring medical documentation of the Grievant's incapacity.

AWARD

The grievance is denied.

Dated this 11th day of February, 1984.



Mark I. Lurie

postalb