Form 1 NATIONAL RAILROAD ADJUSTMENT BOARD Award No. 7480
SECOND DIVISION Docket No. 7314
2-SOO= CM-'78

The Second Division consisted of the regular members and in addition Referee Abraham Weiss when award was rendered.

Parties to Dispute: (System Federation No. 7, Railway Employes' Department, A. F. of L. - C. I. O. (Carmen)
(Soo Line Railroad Company

Dispute: Claim of Employes:

1. That the Carrier violated Rule 32 when Carman D. W. Perish was required to purchase safety shoes as a condition of continued employment.

2. That accordingly the Carrier be ordered to reimburse Carman D. W. Perish $20.33 he paid for safety shoes to qualify for return to service.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

The Claimant injured his foot on February 26, 1975. He was not wearing safety shoes. Carrier informed the Claimant he could not return to work until he complied with Carrier's safety rule dated June 6, 1974, which reads as follows:

> "Effective immediately, any employee not wearing the recommended safety shoe and who incurs a foot injury while on duty will not be permitted to return to work without wearing the prescribed safety shoe or showing evidence to his supervisor that such shoes are on order.
>
> The Company is now subsidizing safety shoes at 30% of cost and employees are to be encouraged to purchase safety shoes."

The Claimant purchased a pair of safety shoes for which he paid $20.33. It is for this sum that he now wishes to be compensated.

There is no evidence in the record which shows that the "safety rule" of June 6, 1974, quoted above, was ever posted at all shop points, particularly at the Claimant's work station. Since it appears from the record that Claimant was completely unaware of this "safety rule" we believe the claim should be sustained.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 24th day of February, 1978.