

The Second Division consisted of the regular members and in addition Referee Paul C. Carter when award was rendered.

(International Brotherhood of Electrical Workers
PARTIES TO DISPUTE: (
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM:

1. That under the current Agreement Mechanical Department Electrician W. R. Broucher was unjustly treated when he was withheld from service on August 14, 1987, when he was notified that no positions were available due to medical restrictions placed on him by a Carrier paid physician after undergoing a physical examination for return to duty.

2. That accordingly the Southern Pacific Transportation Company be ordered to restore Electrician W. R. Broucher to service with all rights unimpaired, including service and seniority, loss of wages, vacation, payment of hospital and medical insurance, group disability insurance, railroad retirement contributions and the loss of wages to include interest at the rate of ten percent (10%) per annum.

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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 record shows Claimant was regularly employed by Carrier and assigned as an Electrician to the Motive Power and Car Department at Sacramento, California.

Following some question as to Claimant's physical condition, having been held out of service for some time, he was permitted to return to service on November 16, 1987. The Carrier offered to dispose of the Claim involved by allowing Claimant five days' pay.

Form 1
Page 2

Award No. 11819
Docket No. 11676
90-2-88-2-190

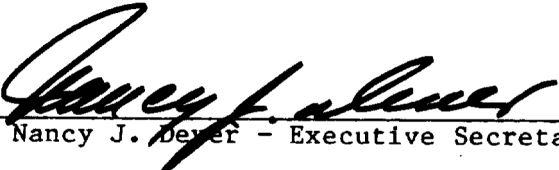
Upon review of the entire record, we find that Carrier's offer to dispose of the Claim by allowing Claimant pay for five days was reasonable, and the Claim will be sustained to that extent, but the Board finds no proper basis for interest at the rate of ten percent as claimed.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 24th day of January 1990.