

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12348
Docket No. 12068
92-2-90-2-252

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

PARTIES TO DISPUTE: (Brotherhood Railway Carmen/Division of TCU
(Elgin, Joliet and Eastern Railway Company

STATEMENT OF CLAIM:

1. That the Elgin, Joliet & Eastern Railway Company violated the current working Agreement when they disqualified Carman J. Leigh as Wreck Truck Driver effective at 7:00 a.m., Tuesday, June 20, 1989.

2. That the Elgin, Joliet & Eastern Railway Company be ordered to compensate Carman J. Leigh (hereinafter referred to as Claimant), who was available, qualified and willing to perform the work of his regular assignment prior to June 30, 1989 as Wreck Truck Driver, as required by Rule 50, 79, 97 and 103 of the current working Agreement.

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 issues and arguments involved in this Docket are identical to those in Second Division Award 12347, adopted this date. The only significant difference between the Claim in Award 12347 and this Claim is that Claimant here is a Wreck Truck Driver and the amount of money claimed is \$36.00 rather than \$25.50. Award 12347 concluded that it was not a violation of Rule 103 to disqualify an employee from a driving assignment requiring a medical certificate, upon failure to pass the medical examination, before receipt in writing of the reasons for disqualification. This Award affirms that conclusion.

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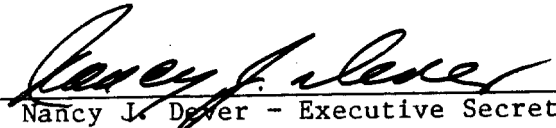
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A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 10th day of June 1992.