

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

Parties to Dispute: { International Brotherhood of Boilermakers, Iron Ship
Builders, Blacksmiths, Forgers and Helpers
{ Southern Pacific Transportation Company

Dispute: Claim of Employees:

That the Southern Pacific Transportation Company violated the contractual rights of Boilermaker David Rasmussen when denying him employment effective April 17, 1979, after having been reinstated to Carrier service on April 16, 1979. That accordingly, the Southern Pacific Transportation Company, hereinafter referred to as Carrier, make Boilermaker David Rasmussen, hereinafter referred to as Claimant, whole by:

1. Restoring Boilermaker David Rasmussen to Carrier service on light duty per Rule 26 of the current controlling Agreement.
2. Compensate Boilermaker David Rasmussen at pro-rata rate of pay commencing April 17, 1979 and for each work day thereafter until he is properly returned to Carrier service.
3. Compensate Boilermaker David Rasmussen for all losses incurred on account of loss of coverage under Health and Welfare and Insurance Agreements during the time he is improperly held out of 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 employee or employees involved in this dispute are respectively carrier and employee 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.

Claimant David Rasmussen, a boilermaker in carrier's repair facility in Sacramento, California, was discharged from service because he was unable to perform the task required of a journeyman boilermaker. His doctor has specified that he should be assigned to light duty work and indicated that he could not lift more than 20 pounds. Carrier claims that it has no such job for claimant and that it was not required, under Rule 26, the Faithful Service Rule, to give any special preference to claimant. He did not qualify as an employee who had given long and faithful service, since he had a total of eight years' service. Carrier was not required to make a job for claimant that did not exist.

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2-SPT-BM-'81

A review of the record of this case reveals that claimant could not do a normal day's work and that carrier, under the circumstances present here, is not required to make a job for an employee who cannot perform the required duties.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 28th day of October, 1981.