

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

Parties to Dispute: { Brotherhood Railway Carmen of the United States
and Canada
{ Norfolk and Western Railway Company

Dispute: Claim of Employees:

1. That the Norfolk and Western Railway Company violated the controlling Agreement when Carman G. E. Wright was unjustly held out of service on October 29, 1980, and October 30, 1980, November 3, 4, 5, 1980, at Frankfort, Indiana.
2. That the Norfolk and Western Railway Company be ordered to compensate Carman G. E. Wright in the amount of three (3) hours on October 29, 1980, and eight (8) hours for October 30, November 3, 4, 5, 1980, all at the straight time rate of pay.

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.

Claimant, G. E. Wright, a Carman in Carrier's employe at Frankfort, Indiana, was held out of service on October 29 and 30, and on November 3, 4, and 5, 1980, account examination of his vision to ascertain if the sight in his eye was impaired. (Claimant has only one eye.) He was examined on October 29, 1980, and was found fit for duty. Carrier's medical examiners stated that Claimant had normal vision with corrective lenses. He was notified on November 5, 1980, to return to work. On November 6, he reported in.

This Board can find no fault with Carrier's desire to have Claimant examined for vision defects. That is Carrier's right. The problem here, however, is that Claimant was examined on Wednesday, October 29, 1980, was declared fit for duty, but was not notified to return to work for one week. Claimant lost 35 hours of service as a result of this examination.

The record of this case is barren of any justification for Carrier's holding Claimant out of service for such a long period of time after he was found fit for duty on October 29, 1980. Claimant should not have to bear the full burden

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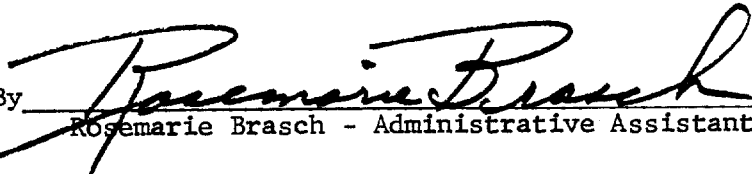
of losing 35 hours' pay. This Board, therefore, has concluded that Claimant should be reimbursed for two days of lost time at the pro rata rate.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By 
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 18th day of May, 1983.