

The Second Division consisted of the regular members and in addition Referee Ronald L. Miller when award was rendered.

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

STATEMENT OF CLAIM:

1. That under the current Agreement, Mechanical Department Electrician W. D. Evans was unjustly treated when he was removed from service on March 25, 1986, and ordered to undergo medical evaluations due to a headache which caused him to leave work early on March 23, 1986.

2. That accordingly the Southern Pacific Transportation Company (Western Lines) be ordered to compensate Electrician W. D. Evans for the medical exams and that Mr. Evans be carried on the payroll for the entire period needed to complete such tests.

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 employes 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.

Following two incidents (March 23 and 25, 1986) when the Claimant reported for work but shortly thereafter requested to leave due to illness, the Carrier instructed Claimant to undergo a medical examination. On March 28, 1986, Claimant was examined by his personal physician who authorized Claimant to return to work, but with duty limitations. Upon review of Claimant's medical record, the Carrier's Chief Medical Officer required a complete physical examination with X-rays. That examination was made on April 2, 1986. The Chief Medical Officer released Claimant to work without restrictions on April 28, 1986.

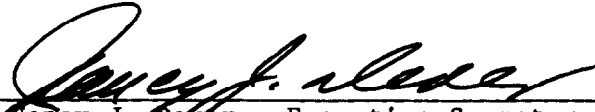
The Carrier should act within a reasonable period of time from the date when test result data and analyses become available. The physician who examined Claimant concluded on April 2, 1986, that Claimant could perform his regular duties. Nevertheless it was not until April 28, that the Chief Medical Officer authorized Claimant's return to work. The delay in returning Claimant to work was unreasonable and not justified. Claimant shall be paid lost wages from April 9, 1986, until April 29, 1986.

A W A R D

Claim sustained in accordance with the Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 19th day of October 1988.