

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
(Pacific Fruit Express Company

STATEMENT OF CLAIM:

1. That the Pacific Fruit Express Company violated the controlling agreement, particularly Rules 19, 20, 21 and 37, when Carman R. V. Freeman was recalled to service on January 14, 1987, but was not permitted to begin work until February 4, 1987.

2. That accordingly, the Pacific Fruit Express Company be ordered to compensate Carman Freeman for all work days lost beginning on the date of January 14, 1987 to February 4, 1987, Tucson, Arizona.

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.

This is another variation of the Claim decided in our Award 11827, involving recalls of Carmen Welders at Carrier's Tucson, Arizona facility. In this case Claimant was mailed his recall notice on January 14, 1987. He responded on January 19, 1987, and was given a return to duty physical the next day. When Claimant's physical examination form was received by Carrier's Chief Medical Officer it was noted that Claimant's signature was missing. It was promptly returned to him on January 23, 1987. Claimant signed the form and mailed it to Carrier's Medical Officer in an envelope postmarked January 29, 1987. On January 30, the Chief Medical Officer approved his return to duty with lifting restrictions of 75 pounds. Claimant was notified of his approval for return to duty on February 2, 1987, and did so on February 4.

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Award No. 11833
Docket No. 11670
90-2-88-2-179

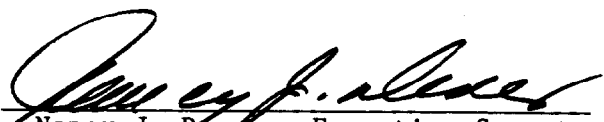
The circumstances, and time lapses, involved in this record do not persuade us that there is any merit to a Claim that Carrier was somehow dilatory in effecting Claimant's return to duty. The Claim will be denied.

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 7th day of March 1990.