

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25017
Docket Number SG-24839

Eckehard Muessig, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Southern Pacific Transportation Company (Western Lines))

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company (Western Lines):

On behalf of D. R. Thomas for reinstatement, and compensation for all lost wages, overtime and benefits he may have lost as a result of Carrier's action (not permitting him to work account physical condition after his Foreman position was abolished effective at close of shift Friday, August 14, 1981)." (Carrier file: 011-221(T))

OPINION OF BOARD: This dispute came about after a series of events that began on August 14, 1981, when the position of Signal Foreman, Gang No. 25, Klamath Falls, was abolished. Following this action, Carrier found that certain medical limitations of the Claimant precluded him from working, as either a Signal Maintainer or as a Signal Foreman, and, because of these determinations, the Claimant was removed from the service.

The Organization pursues its claims on both procedural and substantive grounds. With respect to the procedural contentions, herein, a careful review discloses no evidence that the Claimant was deprived of his rights.

Turning to the substantive issue, the record reflects that the Carrier's findings, with respect to the Claimant's inability to perform the tasks and duties required of him were reasonable. The Board would note that the Carrier did suggest that the Claimant apply for employment in its Sacramento Signal Shop, since the work environment and conditions at that location likely would be compatible with the Claimant's physical abilities. The Claimant, of his choice, refused to apply and, by so doing, did so at his peril.

Therefore, while the Board is not unsympathetic with the Claimant's physical misfortunes, given the facts and circumstances of record, we must deny the claim.

FINDINGS: The Third Division of the Adjustment Board. upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934;

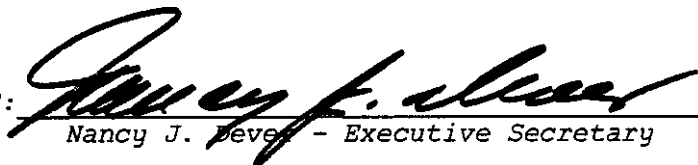
That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 26th day of September 1984.

