

Award No. 15182

Docket No. SG-14703

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Herbert J. Mesigh, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN
MISSOURI PACIFIC RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Missouri Pacific Railroad Company that:

(a) The Carrier arbitrarily removed Signalman T. C. Fagan from his regularly assigned maintenance position at Arkadelphia, Arkansas, on or about March 1, 1962; then would not permit him to return to that position when he was returned to service on August 6, 1962.

(b) The Carrier be required to reimburse Mr. Fagan for the following personal expenses (meals and lodging) incurred while working away from Arkadelphia:

August,	1962	—	\$68.40
September,	1962	—	66.70
October,	1962	—	75.45
November,	1962	—	71.65
December,	1962	—	67.30

[Carrier's File: 225-18-36]

EMPLOYEES' STATEMENT OF FACTS: This dispute is based on our contentions (1) that Mr. Fagan's regularly assigned position is that of Signalman with headquarters at Arkadelphia, Arkansas, and (2) that Carrier should be required to reimburse him for personal expenses he incurred while working away from Arkadelphia after he was returned to service on August 6, 1962.

Mr. Fagan has worked in the Carrier's Signal Department since March 4, 1935, and has lived and worked on a Signalman position at Arkadelphia fifteen years or more.

Late in 1961, Mr. Fagan was hospitalized because of eye trouble. On February 6, 1962, he was given a field test at Arkadelphia, under the direction of the Trainmaster, with the Signal Foreman and the Brotherhood's Local Chairman in attendance. While Mr. Fagan's vision was not perfect in both

Carrier's position is set forth fully in letter dated June 10, 1963 which reads as follows:

"June 10, 1963
F 225-18-36

Mr. F. E. Bush
General Chairman — Signalmen
Box 175
Tuckerman, Arkansas

Dear Sir:

Reference to your letter of May 1, 1963, appealing claim of Signalman T. C. Fagan, Little Rock, Arkansas, for expenses in the amount of \$68.40, August, 1962, \$66.70, September, 1962, \$75.45, October, 1962; \$71.65, November, 1962, and \$67.30, December, when it is alleged claimant was required to perform signalman's work away from his assigned headquarters at Arkadelphia, Arkansas:

Facts as we understand them are as follows: Claimant was formerly employed as signalman with headquarters at Arkadelphia. Claimant suffered a detached retina of the left eye and entered the Missouri Pacific Employees' Hospital in August, 1961. Claimant reported to work in Signal Gang No. 24 with headquarters at Little Rock, Arkansas, August 6, 1962. He has worked regularly in Gang No. 24 since that time.

As you have been advised by Division and District Officers, Mr. Fagan's physical condition is such that the vision in his left eye is what might be termed 'industrially blind.' This was proven by the field test given, as well as by the regular office examination.

You are well aware of the fact Mr. Fagan returned to service with the understanding that he will be restricted to work in a signal gang; will not operate a motor car by himself, and will be subject to a field test for vision every six months. Mr. Fagan was permitted to return to service with the Carrier by placing himself in Signal Gang No. 24 headquartered at Little Rock, Arkansas, thus relinquishing his rights to his former position of signalman headquartered at Arkadelphia, Arkansas.

Because of his physical condition, claimant is not qualified to perform the duties of a signal maintainer headquartered at Arkadelphia, Arkansas, therefore, Arkadelphia is not his headquarters point. When claimant accepted the job on Gang No. 24 at Little Rock he assumed all of the conditions of that job. Bunk car at Little Rock is his home station and headquarters, and since he did not incur expenses away from that home station point, the claims are totally without merit and are respectfully declined.

Yours truly,

/s/ B. W. Smith"

OPINION OF BOARD: The Claims in the instant case result from the same physical situation involved in Docket SG-13784, between these same parties, which has been ruled upon by the Board in Award 13841. The award

confirmed Carrier's judgment in its determination of Claimant's physical qualifications as not being qualified to perform service on an on-line signal maintenance job due to a detached retina in left eye. Also, Carrier's refusal to return Claimant to his former position at Arkadelphia, Arkansas was not discriminatory. Award 8394 was cited as being applicable in Docket SG-13784 and denied the Claim.

The instant claims are for expenses alleged to have been incurred away from Arkadelphia headquarters because Carrier did not permit Claimant to work the signal maintainers position with headquarters at Arkadelphia.

Award 13841 upheld Carrier's judgment to remove Claimant from position of Signal Maintenance at Arkadelphia. When Claimant returned to service by placing himself in Signal Gang No. 24 headquartered at Little Rock, Arkadelphia ceased to be his headquarters and home station. Claimant, therefore, is not entitled to expenses at Little Rock, it being his headquarters and home station.

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 Employees involved in this dispute are respectively Carrier and Employees 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 Carrier did not violate the Agreement.

AWARD

Claim (a) and (b) denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 20th day of January 1967.