

SR. VICE PRESIDENT

NOV 24 1957

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PUBLIC LAW BOARD NO. 5396

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES

vs.

SOUTHERN PACIFIC TRANSPORTATION
COMPANY
(Western Lines)

PLB Case No. 33

NMB Case No. 33

STATEMENT OF CLAIM

1. That the Carrier violated the provisions of the current Agreement when it required Mr. L.G. Rounsaville to obtain a commercial driver's license (CDL) which resulted in out-of-pocket expenses. Said action being excessive, unduly harsh and in abuse of discretion.
2. That the Carrier now reimburse the Claimant for the out-of-pocket expenses incurred by him in the amount of one hundred eighty-three dollars (\$183.00), as well as any other expenses incurred as a result of the violation.

FINDINGS

The facts of this case are similar to those in Case No. 32 of this Public Law Board. In both instances, Claimants were required to take physical examinations in order to retain their

commercial driver's licenses. In both, medical problems were disclosed that required further attention by the employee's own physician. Both Claimant's sought compensation for the costs attendant to obtaining this additional care.

As we noted in Case No. 32, Carrier's policy on this matter was reasonable and clearly conveyed to its employees. Its position was that

If an employee is found to have a medical problem at the time of his physical, the Company doctor who reviews the physical advises him so that he can seek appropriate treatment. The cost of the treatment, however, is the employee's responsibility and the bills may be referred to his personal insurance company.

This Board held in Case No. 32 that compensation was not warranted. We so hold here.

AWARD

Claim denied.

CH Gold
C.H. Gold,
Neutral Chairman

C.F. Foose
C.F. Foose,
Employee Member

D.A. Ring
D.A. Ring,
Carrier Member

12-1-97
Date of Approval