

REVIEW COMMITTEE

PG and E

PACIFIC GAS AND ELECTRIC COMPANY
245 MARKET STREET, ROOM 444
SAN FRANCISCO, CALIFORNIA 94106
(415) 781-4211, EXTENSION 1125

IBEW

INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS, AFL-CIO
LOCAL UNION 1245, I.B.E.W.
P.O. BOX 4790
WALNUT CREEK, CALIFORNIA 94596
(415) 933-6060
L.N. FOSS, SECRETARY

D.J. BERGMAN, CHAIRMAN

- DECISION
 LETTER DECISION
 PRE-REVIEW REFERRAL

Stockton Division Grievance No. 16-72-78-22
Fact Finding Committee No. 1149-79-90
P-RC 465

Denied Supplemental Benefits, First Operator

1-9-80

MR. D. G. COLLINS, Company Member
Stockton Division
Local Investigating Committee

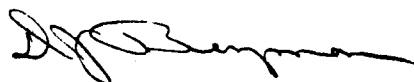
MR. G. V. HALL, Union Member
Stockton Division
Local Investigating Committee

The above-subject grievance has been discussed by the Pre-Review Committee prior to its docketing on the agenda of the Review Committee and is being returned, pursuant to Section I B(2) of the Review Committee procedure, to the Local Investigating Committee for settlement in accordance with the following:

The grievant in this case was a First Operator at Bellota Substation; was discharged on December 22, 1976, which was subsequently upheld in Review Committee File No. 1419-77-6. During the episode that lead to the grievant's discharge, he claims to have been injured; he was hospitalized by his own physician; subsequently, when denied Workers' Compensation benefits, he appealed to the Board. As a result of the hearing, a settlement in the case was reached whereupon this present grievance was filed.

In reviewing the facts of this case and the issues in dispute, the Committee notes that the grievant filed a grievance on his discharge asking for reinstatement. He did not claim at that time that he was unable to work. Further, the grievant signed a Compromise and Release Settlement, which, among other things, provides a full and complete release of the Company from any further liability, including the Committee agrees, any supplementary benefits otherwise accruing under Title 108 of the Physical Agreement. Further, the grievance is untimely based on the grievant's delay until December 26, 1978, in filing a grievance, that is, he waited until the settlement from the Workers' Compensation Appeals Board had been made. Beyond these factors, however, any supplemental benefits granted to the grievant would merely offset his final award. It is apparent that he already received and agreed to everything he had coming under the terms of the Compromise and Release Settlement.

On this basis, this case is considered closed, and the closure should be so noted by the Local Investigating Committee.



D. J. BERGMAN, Chairman
Review Committee



L. N. FOSS, Secretary
Review Committee

PEPettigrew(1123):rto

cc: CRMartin

IWBonbright

LVBrown

FCBuchholz

JBStoutamore

RHCunningham

Personnel Managers