

COPY

INDUSTRIAL RELATIONS
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Review Committee File No. 1220
San Jose Division L.I.C. Grievance No. 8-72-28
Bypass of Ray Magana, T&D Driver Vacancy

December 18, 1973

MR. L. H. CONNER, Company Member
San Jose Division
Local Investigating Committee

MR. ORVILLE OWEN, Union Member
San Jose Division
Local Investigating Committee

The Review Committee has discussed the above-subject grievance and is returning it to the Local Investigating Committee for settlement in accordance with the following:

It is the Review Committee's opinion that, as of the date of the bypass, the extent to which grievant's condition had improved was in some doubt. That doubt was resolved by the narrative report by Kenneth Jennings, M.D., from an examination performed on August 23, 1972. That report, rating the disability as one precluding very heavy work, accords with the two evaluations dated July 26, 1972. A fifteen percent (15%) disability, the conversion provided by Dr. Jennings, does not preclude lifting weights of 50 to 100 pounds or repetative bending and stooping. However, as of August 23, 1972, the grievant's physical condition had substantially changed.

It appears to the Review Committee that as of August 23, 1972, the grievant's physical condition substantially changed and, barring further complications, should be given reconsideration for future bids to T&D Driver. Inasmuch as the bypass was justified on the basis of medical evidence available as of the tenth of the month in which the vacancy was posted, the bypass will stand.

This case is closed and should be so noted.

L. V. BROWN

L. V. BROWN, Chairman
Review Committee

DJBergman:mt

cc: VHLind
IWBonbright
JAFairchild
HJStefanetti
Division Personnel Managers
LNFoss, IBEW

PG and E
FOR INTRA-COMPANY USES

DIVISION OR DEPARTMENT **CLAIMS AND SAFETY**
FILE NO. **251**
RE LETTER OF SUBJECT **Status Report**
 Re: RAY MAGANA
 A/R No: V 69-1532 CTE-39

VHL	SAN JOSE DIVISION	CRC
FLN		LWK
WKB		WBC
RU		WWM
AMK	SEP 12 1972	DMC
WEG		CTW
EMK	Note Action	JAS
	Reply See VHL	

RECEIVED
SAN JOSE DIVISION ZB
 VC
SEP 13 1972 NA
 MS
PERSONNEL DEPT. FILE
REPLY NOTE ACTION SEE AMK

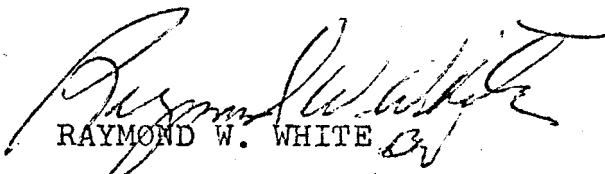
September 11, 1972

MR. V. H. LIND:
Attention: Mr. Bill Spears ✓

NAME OF DOCTOR: Kenneth Jennings, M.D.

DATE OF EXAMINATION: August 23, 1972

PRESENT STATUS: "Talking it over with him in detail,
I now feel that his disability has changed from 'Disability Resulting in Limitation to Light Work' to 'Disability Precluding very Heavy Work.' This is a standard rating of 15 percent as opposed to a rating of 50 percent. He seems to be well motivated. He is continuing to work out with weights and with the luck and the passage of time, his disability may decrease further."


RAYMOND W. WHITE

BLWade:bmf
cc: BHWalsh

FOLEYFOR INTRA-COMPANY USE

DIVISION OR
DEPARTMENT
FILE NO.
RE LETTER OF
SUBJECT

CLAIMS AND SAFETY

251

Status Report

Re: RAY MAGANA

A/R No: V 69-1532 CTE-39

SAN JOAQUIN DIVISION PERSONNEL DEPARTMENT			2
FOLLOW-UP			3
DATE: JUL 28 1972			4
			5
			6
			7
RETURN FILE	SEE ME	HANDLE	8
PLEASE REPLY	FOR YOUR INFO.	FILE	9
			10

SAN JOAQUIN DIVISION				2
FOLLOW-UP				3
DATE: JUL 28 1972				4
				5
				6
				7
RETURN FILE	SEE ME	HANDLE	8	9
PLEASE REPLY	FOR YOUR INFO.	CENTRAL FILE	10	

July 26, 1972

MR. E. E. FOLEY:

NAME OF DOCTOR: W. Porter Forcade, M.D.

DATE OF EXAMINATION: July 18, 1972

PRESENT STATUS: "Since I last saw Mr. Magana he has returned to work as a line patrolman and I believe this is ideal for his back situation. The man tells me he has put a bid in for a transfer for an occupation which I believe would throw more stress and strain on his back and I believe it is inadvisable for him to perform this type of work. I note in Dr. Jennings reports of April 11, 1972 he restricts the man rather markedly in his working capacity and his lifting capacity."

"In my opinion I believe the man's disability precludes him from very heavy work, along the Guidelines For Work Capacity. It is obvious he requires no specific or organized type of treatment but he may require some analgesic medication from time to time. I believe the case should be rated at this time."

RAYMOND W. WHITE

BLWade:bmf

cc: WRay

COMPANY USES

DIVISION OR
DEPARTMENT
FILE NO.
RE LETTER OF
SUBJECT

CLAIMS AND SAFETY

251

Status Report

Re: RAY MAGANA

A/R No: V 69-1532 CTE-39

SAN JOAQUIN DIVISION PERSONNEL DEPARTMENT		
FOLLOW-UP		
DATE		
JUL 28 1972		
RETURN FILE	SEE ME	HANDLE
PLEASE REPLY	FOR YOUR INFO.	FILE

July 26, 1972

MR. E. E. FOLEY:

NAME OF DOCTOR: Howard A. Brown, M.D.

DATE OF EXAMINATION: July 18, 1972

PRESENT STATUS: "This patient has made definite progress since I last saw him. He has been working eight hours a day and apparently getting along fairly well. He takes Darvon once or twice a day, but no other medication."

"He is anxious to obtain a transfer to the San Mateo area, doing the same work. He feels that he will be happier there and feels that psychologically he will be better off than he is in his present surroundings. I am merely offering this comment as it was given to me by the patient."

"I do not believe there is any further treatment necessary, and I feel that his subjective complaints may improve with more time. They are certainly much better than they were last year. I think that he would have to avoid activity associated with heavy lifting and straining, or repetitive bending."

RAYMOND W. WHITE

Wdw:lmf
Wdw:lmf