

National Grievance Committee

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25 Louisiana Ave., N.W.
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Jim Roberts
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February 21, 2006

Mr. Daniel A. Virtue, President
Teamsters Local Union 776
2552 Jefferson Street
Harrisburg, PA 17110

Mr. Mike Scalzo
ABF Freight System, Inc.
7 Depot Hill Road
Enfield, CT 06082-6031

N-10-05-E3

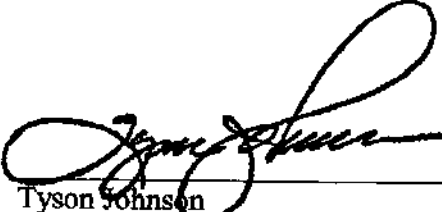
Local 776 (Harrisburg) vs. ABF Freight System, Inc.
Referred ERJARC, August 2005, Case No. R-16-05 (ERJAC July 2005). Central Pennsylvania Local Cartage Supplement, Article 45. (Third doctor issue.)

Gentlemen:

The National Review Committee Co-Chairmen have reviewed the enclosed decision rendered in National Review Committee Case No. N-10-05-E3 Local 776 vs. ABF Freight System, Inc. and issued the following as a clarification and guideline in future cases of this nature:

When an employee has been diagnosed by a company doctor as having a disqualifying physical or mental condition that, in accordance with the applicable provision of the Department of Transportation Regulations, prevents the doctor from issuing a DOT physical card and the employee then receives a conflicting medical/mental examination diagnosis from his personal doctor, the employee may then be referred to a 3rd doctor in accordance with the applicable provisions of the Supplemental Agreement involved. The 3rd doctor's opinion and final determination must be based on, and in accordance with, the Department of Transportation guidelines and mandates relative to the required physical and mental conditions that must be met in order to receive a DOT physical card.

Very truly yours,



Tyson Johnson
Union Co-Chairman



Jim Roberts
Employer Chairman

cc: Daniel A. Virtue, Eastern Region Freight Coordinator & ERJAC Union Co-Secretary
Pete Hassler, Employer Chairman, Eastern Region Joint Area Committee
Bob Schaeffer, ERJAC Employer Co-Secretary