

FILE

CASE No. 09-422-TR-CVF 3

Orbovich, Milan

From: Randy Meek [rmeek@abf.com]
Sent: Tuesday, December 01, 2009 10:02 AM
To: Orbovich, Milan
Cc: kteetzen@abf.com; 'Rusty Parrish'
Subject: RE: PUCO/ ABF Driver Philip Smith
Attachments: ABF.DRIVER.PHYSICALS.NOV.20.09.doc

Milan,

Thanks for the opportunity to respond concerning the Expired Medical Certificate for our ABF City Driver Phil Smith who was stopped June 7, 2007 and inspected at the Chillicothe Scales. It is certainly not ABF's policy to allow a Driver to drive our Commercial Motor Vehicle with Expired Medical Certificates. I understand Smith was assessed a Civil Forfeiture for the June 7, 2007 violation on January 18, 2008 in the amount of \$100.00. Smith contested the Civil Forfeiture and requested a hearing. The Hearing was held on October 20, 2009 and Smith was found guilty by the PUCO Hearing Officer. During the Contested Hearing Smith stated ABF failed to assure he maintained a Current Medical Card. The Hearing Officer for PUCO ordered you to conduct and investigation to determine "WHY" ABF did not have a system in place to assure Drivers maintained Current Medical Cards to operate a Commercial Motor Vehicle.

I have researched and found the ABF Personnel Department does have a system in place. I have attached the most recent MEMO dated March 9, 2004 outlining how Supervisor and Managers with ABF will be notified of Drivers who will need Physicals to Re-new their Medical Certificates. Additionally the Personnel Dept. sends out a reminder each Friday starting a week prior to the physical exam expiration date. The Personnel Dept also has a pending document list which is sent out once a month of needed documents which includes a current Medical Card. The current system normally works quite well.

My investigation concerning the expiration of Smith's Medical Certificate found Smith did have his physical as required by Company Policy. The Medical Doctor would not renew the Medical Certificate until Smith obtained a letter from his Heart Doctor. Apparently Smith suffered a mild heart attack and the Company Doctor required a letter from Smith's Cardiologist to complete the Medical Certificate renewal. Smith failed to obtain the letter. At the time of the physical Smith was working at the ABF Washington Court House Terminal which is a Satellite Terminal of the ABF Columbus Terminal. The ABF System would have noted on April 15, 2007 that his Medical Certificate expired on May 15, 2007. This would have given Smith over 30 days to have his physical and obtain the letter from his personal Heart Doctor. Apparently ABF was not notified by the Company Doctor that he/she needed the Letter from Smith's personal heart Doctor to complete the Medical Certificate Renewal.

If this does not clear up the issue for the Hearing Officer and you please let me know.

Thanks again for calling me,

Randy Meek
Regional Manager of Safety and Security
Dayton, Ohio
Cell #614-203-2131
E-Mail rmeek@abf.com

From: Orbovich, Milan [mailto:Milan.Orbovich@puc.state.oh.us]
Sent: Monday, November 16, 2009 10:18 AM
To: rmeek@abf.com
Subject: PUCO/ ABF Driver Philip Smith

RECEIVED-DOCKETING DIV
2009 DEC -1 PM 3:05
PUCO

Milan Orbovich, Chief
Enforcement Division

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business.
Technician Sm Date Processed DEC 01 2009

Transportation Department
Public Utilities Commission of Ohio
614-466-0423

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MEMO From ABF Personnel

DATE: March 9, 2004

TO: All Branch Mgrs, Terminal Mgrs, Line Haul Supv,
Mgr Line Operations, Mgr Line Relay, Reg Maint Supv

FROM: Terena Fouts, Mgr Adm & Info Systems

SUBJECT: Expired Physicals

Beginning March 15th, we will be implementing a new notification method for expired physicals. On the 15th of each month, designated terminal recipients at each location will receive an email with 2 PDF attachments regarding expired physicals for the following month (PDF is just the extension name given to these files, like XLS is the extension for Excel files).

The 2 attachments are:

- a listing of expired physicals
- individual forms for each person on the listing.

As with QNET notifications, clinic information will be provided on each PDF notification. A copy of the notification (signed by the terminal recipient and the employee) should be kept in the employee's medical file. The notifications may be printed all at once. You may also want to keep the email notice for a couple of months for later reference or printing replacements if needed (another email directory might prove useful for this).

Terminal recipients who do not have an email address, will continue to receive expired physical notifications as QNET messages. A listing of expired physicals will now be included as well.

Click on the icons below to view examples of the PDF attachments:



Exp_Phys_Listing.pdf



Exp_Phys_Notices.pdf