

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISIONAward No. 12742
Docket No. 12618
94-2-92-2-154

The Second Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

(International Association of Machinists
(and Aerospace Workers
PARTIES TO DISPUTE: (
(CSX Transportation, Inc.

STATEMENT OF CLAIM:

"(1) That CSX Transportation, Inc. violated Rules 30 and 32, but not limited thereto, of the controlling agreement when it suspended Machinist J. M. Thompson for 20 working days following an investigation held on May 1, 1991.

(2) That, accordingly, CSXT be ordered to reimburse Machinist Thompson for all pay and benefits lost (made whole) as a result of said suspension and remove all reference to the charges from his record."

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

On March 7, 1991, Claimant, a Machinist, was operating a Gallion Crane at Carrier's Hamlet, North Carolina, Shop. While dismounting from the Crane, Claimant stepped on the outrigger tire, instead of the factory-installed step. He fell to the ground and injured himself. He did not report the accident, even though he experienced some pain. On March 21, 1991, Claimant advised his Supervisor that he slipped and fell about two weeks earlier.

He was told by his Supervisor to report the injury to Carrier's General Supervisor-Work Equipment. Claimant failed to follow these orders and did not report the incident to the General Supervisor until April 8, 1991. He told the Supervisor at this time that he was seeing a Nurse who prescribed pain medication. Claimant eventually went to a doctor and a report was completed for him.

As a result of these events, Claimant was charged with two Rule infractions: a violation of Rule 11 and a violation of Rule 40. Rule 11 speaks to the need of employees to avoid stepping on objects that might cause them to fall and Rule 40 addresses an employee's obligation to report personal injuries immediately.

A hearing into the matter was held on May 1, 1991. As a result of that hearing, Claimant was found guilty as charged and assessed a 20-day suspension.

This Board has reviewed the record in this matter and we agree with Carrier that Claimant was in violation of Safety Rules, which constitutes a serious infraction. Carrier assessed a 20-day suspension in this instance. Based on this record, the Board has no reason to object to that penalty.

AWARD

Claim denied.

O R D E R

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 13th day of September 1994.