

The Second Division consisted of the regular members and in addition Referee James R. Cox when award was rendered.

Parties to Dispute: ( Brotherhood Railway Carmen of the United States and Canada  
( The Northeast Illinois Regional Commuter Railroad Corporation

Dispute: Claim of Employees:

1. That Coach Cleaner G. McCall was unjustly suspended from the service of the Northeast Illinois Regional Commuter Railroad Corporation for a period of five (5) days, starting with October 3, 1983 through October 7, 1983.
2. That the Northeast Illinois Regional Commuter Railroad Corporation violated Rule 34(g) of the current Agreement dated September 1, 1949, as amended.
3. That the Northeast Illinois Regional Commuter Railroad Corporation be ordered to compensate Coach Cleaner G. McCall in the amount of eight (8) hours pay, at the applicable rate, for each and every day of this unjust suspension.
4. That the Northeast Illinois Regional Commuter Railroad Corporation be ordered to pay Coach Cleaner G. McCall interest at the rate of 12% per annum for any and all compensation that she may receive as result of this claim.

Findings:

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

The carrier or carriers and employe or employes involved in this dispute are respectively carrier and employes 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.

Claimant Gloria McCall was suspended for five days in October, 1983, following an investigation September 13, 1983, involving her alleged violation of Safety Rule 1 through failure to complete Form 171 (RC 4005) report of injury "immediately, if possible" with the details of the accident incurred July 18, 1983.

Foreman Szaropa, the immediate Supervisor of Coach Cleaner McCall July 18, 1983, stated that McCall performed her normal duties that day and did not report any injury or complete the aforementioned personal injury form. He indicates that it was not until Friday, July 29th, that Mrs. McCall reported that she had previously been injured and asked to see the Doctor because she had a pain in her upper leg area. She was informed at that time that, if she had to go to the Company Doctor she would have to pay, and was subsequently given an authorization slip.

Mrs. McCall stated that she completed the personal injury report August 2nd, describing a pulled muscle to her leg, incurred in the course of boarding a car on July 18. She testified that the pain was not "real bad" but that she did tell her Foreman that she had hurt her leg and that he responded that there was nothing wrong with her.

At the investigation she explained she did not fill out the required report of injury because her leg did not hurt very much, although she was familiar with General Rule 1 of the Safety Rules and its reporting provision. She continued to work on succeeding days. Mrs. McCall conceded that it was possible for her to have filled out the report of injury July 18th. She also indicated she did not fill out the form because "the Foreman would not listen to her", and that she could have gone to the office but did not because her leg was "not hurting that much". Her fellow worker testified that the day after Claimant complained that she had been injured, she came to work limping a little bit. Still, no report was filed.


Our review of the record reveals substantial evidence that Claimant violated Safety Rule 1 by failing to complete the accident report after she incurred an injury. A Foreman's negative comment does not relieve an employee from following the reporting procedure.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

  
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 27th day of March 1985.