

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**Award No. 13158
Docket No. 13043
97-2-95-2-66**

The Second Division consisted of the regular members and in addition Referee Elizabeth C. Wesman when award was rendered.

**(International Brotherhood of Electrical Workers
(System Council No. 9
PARTIES TO DISPUTE: (
(CSX Transportation, Inc. (former Seaboard Coast
(Line Railroad Company)**

STATEMENT OF CLAIM:

- "1. That at Waycross, Georgia, February 16, 1994, CSX Transportation violated the controlling agreement, particularly Rule 32, when electrician K. P. Douglas, ID 160385 was directed to attend formal investigation commencing on January 27, 1994 and CSX Transportation concluded on February 16, 1994 in connection with failure to timely report injury that allegedly occurred on November 29, 1993 and that Mr. Douglas was guilty as charged and the discipline assessed was a letter of reprimand, and;**
- 2. That CSX Transportation remove the discipline and expunge all mention of this matter from electrician K. P. Douglas' 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 were given due notice of hearing thereon.

The essential facts of this case are not in dispute. Claimant sustained a pulled shoulder muscle on November 29, 1993. He failed to report that injury until January 4, 1994, despite the fact that he was aware he had further aggravated the injury on December 23, 1993. In light of the clarity of Carrier's policy on this matter, we do not find that Carrier's assessment of a written reprimand in this case was either arbitrary or excessive.

AWARD

Claim denied.

ORDER

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 8th day of September 1997.