

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Award No. 28502
Docket No. CL-28913
90-3-89-3-317

The Third Division consisted of the regular members and in addition Referee Barry E. Simon when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (Amtrak))

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10373) that:

(CARRIER'S FILE NO. TCU-D-2993/TCU FILE NO. 393-D8-136-R)

1. Carrier, acting arbitrarily (sic), violated Rule 24 and other related rules of the Agreement when, by notice of November 4, 1988, it assessed discipline of a letter of reprimand against Claimant, Mr. Anthony Thomas.

2. Carrier shall now be required to rescind the letter of reprimand.

3. Carrier shall now expunge the charges and discipline from Claimant's record."

FINDINGS:

The Third 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 employees 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 May 6, 1988, Claimant was driving an electric cart, delivering commissary supplies, when the fiberglass cover on the cart fell and hit him on the head. Following a Hearing, Claimant received a formal reprimand when the Carrier concluded that he failed to report his injury until May 12, 1988. Claimant, for his part, testified that he reported the injury at approximately 2:00 P.M. on May 7, 1988, although he began to experience pain that morning. Carrier witnesses denied that Claimant mentioned being injured prior to May 12. Claimant did not prepare a written report of the injury until May 13, 1988, even though he stated at the Hearing that he understood that a report should be filled out regardless of the extent of the injury.

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Our review of the record shows that there is substantial evidence to support the Carrier's conclusion that Claimant failed to promptly report a personal injury. The issuance of a reprimand in this case is not unreasonable. Accordingly, we will deny the Claim.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 7th day of August 1990.