

PUBLIC LAW BOARD NO. 1760

Award No. 68

Case No. 68

Docket No. MW-<sup>DEC</sup>~~DC~~-80-37 (Craft)

Parties Brotherhood of Maintenance of Way Employees

to and

Dispute Norfolk and Western Railway Company (Former Wabash)

Statement

of Claim: Claim on behalf of W. A. Craft for pay for all time lost account of being assessed a ten day actual suspension by letter dated March 18, 1985, as a result of investigation held on March 1, 1985.

Findings: The Board, after hearing upon the whole record and all evidence, finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, that this Board is duly constituted by Agreement dated February 2, 1976, that it has jurisdiction of the parties and the subject matter, and that the parties were given due notice of the hearing held.

Claimant, on November 19, 1984, was a Gang Foreman. A Laborer stated that he pulled a muscle in his back while lifting the end of a tie and that he had reported said injury to Claimant on November 19, 1984 at approximately 9 or 10:00 in the morning. Said Laborer left work that day and was off for several days. The injury was not reported by Claimant.

Rule 1000 reads:

"Employees must report personal injuries to their immediate supervisor or the designated employee immediately in charge of the work before leaving the company premises. The supervisor or designated employee in immediate charge of the work is responsible for reporting all personal injuries witnessed by the supervisor or designated employee or known to the supervisor or designated employee to insure the reports will be completed and

distributed promptly in accordance with  
company rules.

Failure to report a personal injury by the  
injured person or the employee in immediate  
charge of the work may result in disciplinary  
action." (underscoring supplied)

The Board finds that the Claimant was accorded the due process to  
which entitled under this rule.

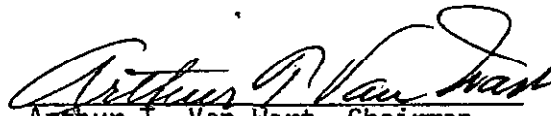
There was sufficient evidence to support Carrier's conclusion as to  
Claimant's culpability.

Claimant admitted that he was aware that when an employee sustains  
an injury but declines medical attention that he is required to still  
report said injury. In the circumstances, the Board finds that the  
discipline assessed was reasonable. This claim will be denied.

Award: Claim denied.

  
M. A. Christie, Employee Member

  
S. C. Lyons, Carrier Member

  
Arthur T. Van Wart, Chairman  
and Neutral Member

Issued August 18, 1986.