

PUBLIC LAW BOARD NO. 2366

AWARD NO. 46

DOCKET NO. 59

BMW NO. SL-238-T-81

ICG NO. 1490

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

- " (1) The dismissal of Motor Car Repairman A. W. Clover for allegedly being accident prone was without just and sufficient cause...
- ' (2) Motor Car Repairman A. W. Clover shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.' "

OPINION OF BOARD

Claimant was instructed to report to an investigation concerning an assertion that he had a propensity to be accident-prone. Subsequent to the investigation, he was dismissed from service.

The record convinces us that this Employee's history of injuries is not consistent with a person who gives full attention to possible physically harmful events; and the final incident cannot be considered as a mere unfortunate happenstance. It also appears that the Employee may not have received prior significant warnings of possible action.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

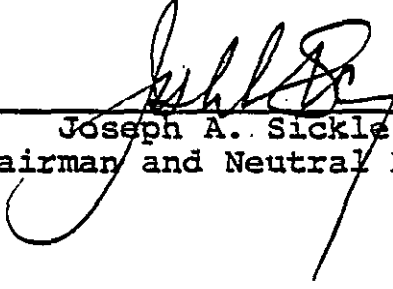
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

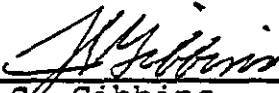
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

1. The termination is set aside.
2. Claimant shall be restored to service with seniority and other benefits but shall not receive reimbursement for compensation lost during the suspension.
3. The Carrier shall comply with this Award within thirty (30) days of the effective date.



Joseph A. Sickles
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



Hugh G. Harper
Organization Member

5/31/83

DATE