

PUBLIC LAW BOARD No. 2366

AWARD No. 78

DOCKET No. 92

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Illinois Central Gulf Railroad Company

STATEMENT OF CLAIM

"Claim on behalf of B. L. Renfrow for pay for each work day missed and the removal of the discipline and reprimand from his file account of his fourteen (14) day suspension and reprimand for violation of Rules A, M, P and 681.

OPINION OF THE BOARD

The Employee was reprimanded for an incident concerning the alleged use of the wrong tools and he received a fourteen-day suspension for an asserted failure to advise a Supervisor of his personal injury status.

The Carrier asserts that the Employee conceded that he improperly used two tools which caused a fragment to enter his leg and thereafter he failed to notify the Supervisor of a visit for medical assistance. The Claimant may have been using the material given to him to do the job, but, the record substantiates the fact that he improperly used the tools in his possession.

Under the circumstances, it was not unreasonable for the Claimant to be required to advise the Supervisor when he was going to visit the doctor. Even presuming that the Employee had some communication difficulty concerning the visit in question, it is readily apparent that he could have contacted the Supervisor much earlier than he did. Under all of the circumstances we find no basis for disturbing the Carrier's Decision and we will deny the claim.

FINDINGS

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

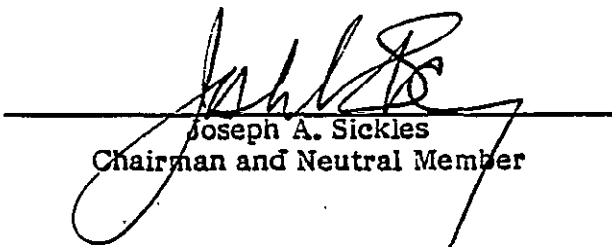
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.


This Board has jurisdiction over the dispute involved herein.

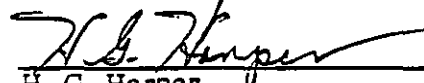
The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

1. Claims denied.


Joseph A. Sickles
Chairman and Neutral Member


J. S. Gibbins
Carrier Member


H. G. Harper
Organization Member

September 30, 1985
Date