

PUBLIC LAW BOARD NO. 3542

Parties
to the
Dispute

Pennsylvania Federation Brotherhood of
Maintenance of Way Employees

vs.

Consolidated Rail Corporation

AWARD No. 16
Case No. 18

STATEMENT OF CLAIM

(a) That J. R. Cullison, employed as a Machine Operator, be compensated for the five days loss of wages due to being suspended beginning September 29, 1982 through October 4, 1982. That all seniority rights and other privileges provided by either agreement or past practice be allowed the Claimant.

(b) That J. R. Cullison's record be cleared of all charges brought against him.

OPINION OF THE BOARD

Claimant J. R. Cullison, a Machine Operator at Avon, Indiana, was charged with failure to obey a Safety Rule, resulting in injury to another employee. A hearing was held September 17, 1982, with Claimant in absentia. Claimant was found guilty as charged and assessed a five-day suspension.

This Board has reviewed the record of that hearing and finds

no evidence of procedural impropriety. Claimant was properly notified of the trial by certified mail. Failure to appear is not the responsibility of Carrier. As to the merits of this case, this Board is convinced that Claimant was in violation of the Safety Rule when he operated the Ballast Regulator. Claimant's misuse led another employe to place himself at risk and, in effect, caused his injury.

Safety is an important consideration at the workplace. As has been stated repeatedly in other cases, adherence to Safety Rules accrues to the benefit of all involved. Rules regarding safety provide protection to everyone. By being in violation of one such Rule, Claimant jeopardized the safety of a coworker. This action cannot go undisciplined.

AWARD

The claim is denied.


R. E. Dennis, Neutral Member


J. Edd, Employe Member


R. O. Neil, Carrier Member


Date of Adoption