

Award No. 16  
Case No. 20

Public Law Board No. ~~3794~~ <sup>3794</sup>

Parties to Dispute:

Brotherhood of Maintenance  
of Way Employees

and

Seaboard System Railroad

Statement of Claim:

1. The 25-day suspension imposed upon Trackman M.H. Carter for allegedly making false statements relating to an on-duty injury was without just and sufficient cause.

2. Claimant's record shall be cleared of the charge leveled against him and he shall be compensated for all wage loss suffered.

Findings:

General Rule 10 prescribes that "Employees must report promptly to Supervisor any personal injury occurring on, duty or on Company property." The Rule is reasonable and fairly reflects the interests of the employee as well as of Carrier.

Upon a careful analysis of the record, this Board is satisfied that Claimant flagrantly violated Rule 10 and

that the 25-day suspension is not unwarranted.

Claimant did not report until April 1984 an alleged 1981 on-the-job injury. While it appears that he had been absent in 1981, these absences were due to vacation and to a personal sickness. There was no pre-1984 record of a reported injury in 1981 or of bills received by Carrier based on a 1981 injury.

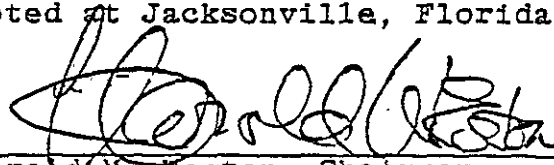
Testimony offered by three of Claimant's fellow workers as to a 1981 injury is vague, inconsistent and unimpressive.

In the light of safety considerations, exposure to litigation and concern for employee's legitimate claims, Carrier is certainly entitled to reasonably prompt notice of any on-the-job injury. The Rule will be strictly enforced.

There is no basis for setting aside the discipline assessed by Carrier.

Award: Claim denied.

Adopted at Jacksonville, Florida, *November 6* 1985.

  
Harold M. Weston, Chairman

  
Carrier Member

  
Employee Member