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Figure 2

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INTRODUCTION

This Board is duly constituted by agreement of the parties dated January 21, 1987, as amended, and as further provided in Section 3, Second of the Railway Labor Act ("Act"), 45 U.S.C. Section 153, Second. This matter came on for consideration before the Board pursuant to the expedited procedure for submission of disputes between the parties. The Board, after hearing and upon review of the entire record, finds that the parties involved in this dispute are a Carrier and employee representative ("Organization") within the meaning of the Act, as amended.

FINDINGS

On March 6, 1998, an investigation was held concerning the failure of the claimant, G. D. Bilbrey, to immediately report a personal injury that he sustained in Lubbock, Texas on January 15, 1998. As a result of the investigation, the Carrier issued the claimant a Level S thirty (30) day suspension for violation of Rules 1.1.3, 1.2.5, and 1.3.1 of the Maintenance of Way Operating Rules (MWOR). The Board finds that the evidence of record supports this decision for the following reasons.

The following rules of the MWOR are applicable to the Board's decision. Rule 1.1.3 Accidents, Injuries, and Defects, provides:

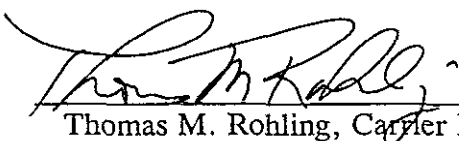
Report by the first means of communication any accidents; personal injuries; defects in tracks, bridges, or signals; or any unusual condition that may affect the safe and efficient operation of the railroad. Where required, furnish a written report promptly after reporting the incident.


Rule 1.2.5 Reporting, provides: "All cases of personal injury, while on duty or on company property, must be immediately reported to the proper manager and the prescribed form completed."

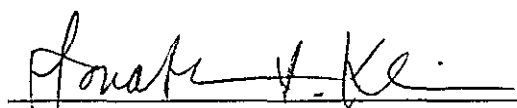
The evidence established that the claimant injured his back while employed as a welder in Lubbock, Texas on January 15, 1998. The evidence further established that the claimant did not report the incident to the proper Carrier official until February 13, 1998. The claimant stated at the investigation that he "thought the pain would go away, over some time." (Tr. 9). The Board finds that the claimant did not report his injury to the Carrier in a timely manner because the claimant failed to notify the Carrier of his injury until nearly one month after the date of the incident. Additionally, the record also reveals that the claimant failed to immediately report his injury to the Carrier after the claimant visited a doctor on February 2, 1998, regarding his injury. Moreover, the claimant was well aware of the proper procedure for reporting injuries. (Tr. 6, 7). Therefore, the Board finds that the Carrier has sustained its burden of proof and the claim is denied.

AWARD

The claim is denied.


Thomas M. Rohling, Carrier Member


R. B. Wehrli, Employee Member


Jonathan I. Klein, Neutral Member

This Award issued the 26th day of August, 1998.