

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 12

STATEMENT OF THE CLAIM

D.S. Beasley was improperly dismissed.

OPINION OF THE BOARD

On July 8, 1987, the Claimant, Mr. David Beasley, sustained an injury while working as a Trackman. Mr. Beasley did not complete a personal injury report until July 14, 1987 and did not at anytime directly inform his foreman or supervisor of the injury. Subsequently, Mr. Beasley was dismissed from service for failure to promptly report a personal injury (as required by Rule X and Rule 1). Mr. Beasley contends that initially he did not believe that the injury was serious enough to warrant filing an injury report or notifying management. However, according to Mr. Beasley, overnight the pain became severe and he rested. Mr. Beasley contends that he completed a personal injury form on July 14th after the pain subsided.

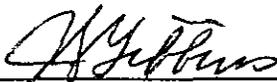
Mr. Beasley admitted that he failed to report his injury when it occurred. The applicable rules require that all injuries, regardless of severity, must be reported. Moreover, Mr. Beasley made no attempt to contact the Carrier even though he was well enough to call his attorney. Clearly, Mr. Beasley failed to comply with controlling rules.

AWARD

Claim denied.



Ronald L. Miller
Chairman and Neutral Member



J.S. Gibbins
Carrier Member



D.B. Bartholomay
Organization Member

21 June 1988
Date