

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 15

STATEMENT OF THE CLAIM

F. L. Booth was improperly dismissed

OPINION OF THE BOARD

As a consequence of an injury sustained by the Claimant, Mr. Frank L. Booth, on November 10, 1987, he was dismissed from employment with the Carrier for being accident prone. The Organization contends that a design feature of the machine operated by Mr. Booth caused the accident on November 10, 1987, and not the actions of the Claimant.

The evidence of record shows that during the period of 8-03-72 to 11-10-87, maintenance of way injuries (Northern Region) averaged 2.51 per worker among a group of 169 employees. During this same time period, Mr. Booth sustained 16 injuries. Notwithstanding differences in types of injuries and seriousness of injury, Mr. Booth's injury record is significantly greater than the average. Even after attending a Safety Remedial Training class in 1981, Mr. Booth sustained 5 personal injuries.



The cause of the accident on November 10, 1987 is not germane to the charge in this matter. The record speaks for itself, Mr. Booth has been accident prone, and the Carrier has properly taken action. Given Mr. Booth's more than fifteen years of service with the Carrier and the length of time since his dismissal, we believe that discipline has served its purpose.

AWARD

Discipline has served its purpose. Mr. Booth shall be returned to employment without back pay but with service restored. To avoid further injury and possible disciplinary action, Mr. Booth is urged to maintain a high level of safety awareness at the workplace.



Ronald L. Miller
Chairman and Neutral Member


J.S. Gibbins
Carrier Member
D.B. Bartholomay
Organization Member

21 June 1988
Date