

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 9

STATEMENT OF THE CLAIM

M.L. Spencer was improperly dismissed.

OPINION OF THE BOARD

On December 4, 1986, the Claimant, Mr. Mike Spencer sustained an eye injury. Mr. Spencer was subsequently dismissed from employment with the Carrier for being accident prone. The Organization contends that Mr. Spencer was dismissed without adequate and sufficient reason.

The record of this case indicates that during the period of January 17, 1983 and December 4, 1986, Mr. Spencer sustained eight (8) injuries. Among 185 Track Department employees, during the same time period, there was an average of .58 accidents per employee. Notwithstanding differences in type of work performed, nature of injuries and time lost from work among the 185 employees, Mr. Spencer's accident record is significantly higher than the average. Mr. Spencer has attended safety classes during his employment, nevertheless he repeatedly sustained injuries. There is substantial evidence from which to conclude that Mr. Spencer is accident prone.

Given Mr. Spencer's past record of employment, this Board finds no basis for leniency.

AWARD

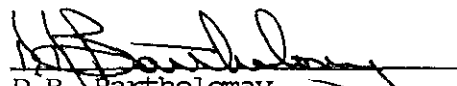
Claim denied



Ronald L. Miller
Chairman and Neutral Member



J.S. Gibbins
Carrier Member



D.B. Bartholomay
Organization Member

21 June 1988
Date