

PUBLIC LAW BOARD NO. 1582

PARTIES) THE ATCHISON, TOPEKA & SANTA FE RAILWAY COMPANY
TO)
DISPUTE) BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

STATEMENT OF CLAIM: Claim in behalf of former Trackman B. Aguilar, Middle Division, for reinstatement with seniority, vacation and all other rights unimpaired and compensation for wage loss beginning January 3, 1976.

FINDINGS: This Public Law Board No. 1582 finds that the parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended, and that this Board has jurisdiction.

In this dispute the claimant was found guilty of violating Rules 2, 14 and 31 of the General Rules for the Guidance of Employees, 1975, and Rule 9 of Safety Rules for Santa Fe Employees, Form 2629 Standard.

The Organization contends that the claimant slipped about 5:15 p.m. on June 6, 1975 while assisting in the loading of an expander onto a push car. The claimant did not report the injury he allegedly sustained.

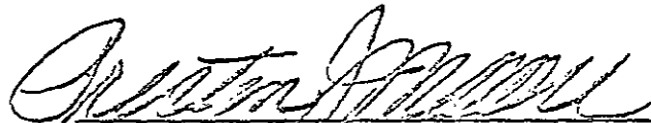
On June 9 the claimant determined that he had better see a doctor and went to the doctor's office and was advised that he had "chipped a bone around the socket in his joint." At that time the claimant advised the doctor that he was injured by falling in a hole while mowing his yard. The claimant testified that he had told the doctor this for the reason that his foreman had advised him that it was too late to report it as an injury "on the job."


Whether the claimant was hurt on the job or mowing his yard is not an issue for this Board to determine. That is the reason and validity and importance of the rules of the Carrier requiring an employee to report an injury before the end of their shift or tour of duty.

It is recognized that the claimant contended that he did not report the injury because he thought he had just bumped his shin. It must be pointed out that there is a substantial difference between bumping one's shin and chipping one's hip bone.

There can be no doubt but that the claimant violated Rule 31 and that the violation was of a very serious nature. Under the circumstances the Board finds no justification to overrule the decision of the Carrier.

AWARD: Claim denied.


Preston J. Moore, Chairman


Organization Member


Carrier Member