

Public Law Board No. 2363

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
Louisville and Nashville Railroad Company

STATEMENT
OF
CLAIM:

1. Dismissal of Track Repairman A. C. Bonds for allegedly failing to report promptly an accident was without just and sufficient cause and excessive.
2. Mr. Bonds shall be allowed the remedy prescribed in Rule 27(f).

FINDINGS:

Claimant was dismissed for failure to report promptly an accident. Safety Rule E stipulates that an employee

"suffering an injury while on duty, regardless of the nature of the injury or the time it occurs, must report it immediately. Failure to do so will subject the employee to discipline."

At 8 a.m. July 13, 1980, claimant called his foreman that he was sick and would not be able to come to work that day. He did not offer any additional information other than that he was going to see his doctor. Claimant did not report back to work until July 23, 1980. On August 4, 1980, he completed and filed an Accident Report alleging that he had lost time from

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July 13 through 22 because he became too hot while at work on July 12, 1980.

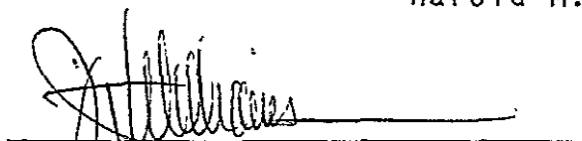
There is no question but that claimant flagrantly violated Safety Rule E. It is equally clear that its potential liability and safety responsibilities make it imperative that an employer be advised promptly of any real or suspected job related injury or malady, particularly in the railroad industry. Third Division Awards 19298 and 23906 emphasize the importance of the employee's obligation in that regard.

While the degree of discipline found appropriate in this case does cause us concern, the record provides no persuasive basis for substituting our judgment for that of Carrier.

AWARD: Claim denied.

Adopted at Jacksonville, Florida, April 21, 1983.


Harold M. Weston, Chairman


Carrier Member


Employee Member