

PUBLIC LAW BOARD NO. 2366

AWARD NO. 49

DOCKET NO. 63

BMW NO. D-252-T-82

ICG NO. 1507

PARTIES TO DISPUTE:

Illinois Central Gulf Railroad Company

and

Brotherhood of Maintenance of Way Employees

STATEMENT OF CLAIM

- "(1) The dismissal of Trackman G. R. Guice for allegedly being accident prone was without just and sufficient cause..."
- '(2) Trackman G. R. Guice shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered.'"

OPINION OF BOARD

Claimant was notified to attend an investigation concerning an asserted propensity to be accident-prone.

Claimant admits that "one or two" of the accidents were his fault and the remainder resulted from Carrier's failure to furnish a safe place to work. We disagree; and we fail to find mitigating matters so as to disturb the discipline imposed.

FINDINGS

The Board, upon consideration of the entire record and all of the evidence finds:

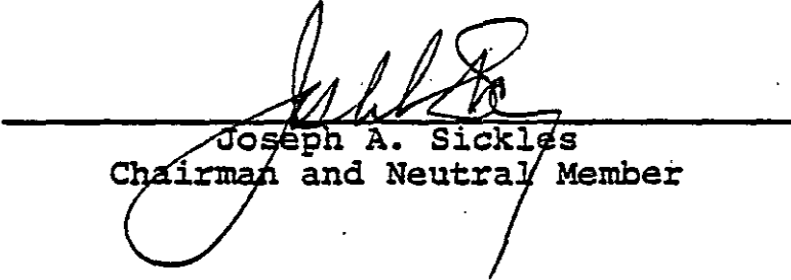
The parties herein are Carrier and Employee within the meaning of the Railway Labor Act, as amended.

This Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due and proper notice of hearing thereon.

AWARD

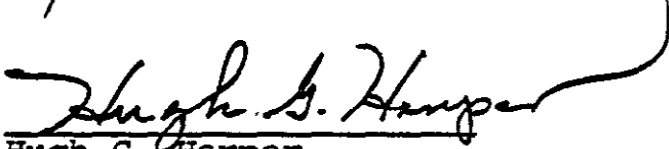
Claim denied.



Joseph A. Sickles
Chairman and Neutral Member



J. S. Gibbins
Carrier Member



Hugh G. Harper
Organization Member

5/31/83

DATE