

PUBLIC LAW BOARD NO. 2774

Award No. 22
Case No. 30

PARTIES Brotherhood of Maintenance of Way Employees
TO and
DISPUTE The Atchison, Topeka & Santa Fe Railway Company

STATEMENT "1. That the dismissal of Valley Division Trackman R.D. Basham was unjust.
OF CLAIM 2. That Claimant R.D. Basham be reinstated to service with seniority, vacation, all benefit rights unimpaired, pay for wage loss and/or otherwise made whole."

FINDINGS

Upon the whole record, after hearing, the Board finds that the parties herein are Carrier and Employees within the meaning of the Railway Labor Act, as amended, and that this Board is duly constituted under Public Law 89-456 and has jurisdiction of the parties and the subject matter.

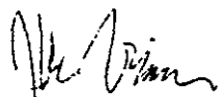
Claimant was charged with alleged falsification of an injury and or failure to report the accident on the proper form as required by Carrier. Following an investigation held on September 19, 1980 Claimant was found guilty of the charges and terminated.

An examination of the transcript of the investigation of this matter indicates that there was substantial evidence to support Carrier's conclusion that there first was no evidence to support the fact of a work connected injury and second, that Claimant did not indeed file an injury report in timely fashion. Carrier is properly concerned with the employees abiding by all safety regulations particularly those involving injury. It has long been held that the definition of promptly, as used by Carrier in its rules, even though not precise would indicate a reasonably quick response by an employee in filing a report of injury after the incident. It is also clear that falsification of such reports cannot be tolerated by Carrier not only in view of the liability question but in view of many safety considerations which are extremely important to Carrier. In the instant case, not only is the evidence clear that no injury report was filed by

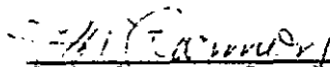
Claimant until after a safety inspector visited him at his home, but also there is no specific evidence to support Petitioner's contention that he was indeed injured on the job. These two facts amply justify Carrier's decision that termination is the proper remedy for this infraction. For the reasons indicated, the Board must agree that Carrier acted properly and the claim must be denied.

AWARD

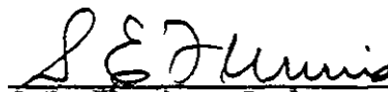
Claim denied.



I.M. Lieberman, Neutral-Chairman



G.M. Garmon, Carrier Member



S.E. Fleming, Employee Member

January , 1982
Chicago, IL