

PUBLIC LAW BOARD NO. 2960

AWARD NO. 68
CASE NO. 69

PARTIES TO DISPUTE:

Brotherhood of Maintenance of Way Employees

and

Chicago & North Western Transportation Company

STATEMENT OF CLAIM:

Claim of the System Committee of the Brotherhood that:

- (1) The thirty (30) day suspension assessed Machine Operator Phillip J. Metoyer for allegedly failing to report an injury was without just and sufficient cause, capricious and unwarranted. (Organization File 9D-2533; Carrier File D-11-17-404).
- (2) Machine Operator Phillip J. Metoyer shall have his record cleared of this disciplinary procedure and be compensated for all wage loss suffered.

OPINION OF THE BOARD:

This Board, upon the whole record and all of the evidence, finds and holds that the Employee and the Carrier involved in this dispute are respectively Employee and Carrier within the meaning of the Railway Labor Act, as amended, and that the Board has jurisdiction over the dispute involved herein.

On October 7, 1981, the Carrier directed the Claimant to attend an investigation on the following charge:

"Charge: To determine your responsibility in connection with your failure to report the injury which you sustained on October 6, 1981."

Subsequent to the investigation the Claimant was assessed the discipline on appeal before the Board.

It is the conclusion of the Board that the discipline can not stand. The Carrier failed to establish that the Claimant failed to report the injury in a prompt fashion after the injury manifested itself and became known to him.

AWARD:

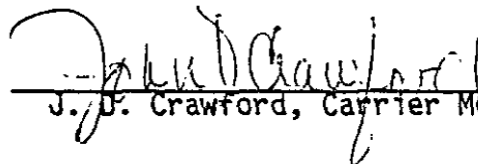
The Claim is sustained.



Gil Vernon, Chairman



H. G. Harper, Employee Member



J. D. Crawford, Carrier Member

Dated: October 22, 1989