

PUBLIC LAW BOARD NO. 3514

Case No. 105 Award No. 105

PARTIES Brotherhood of Maintenance of Way Employees
to - and -
DISPUTE: Consolidated Rail Corporation

STATEMENT OF CLAIM: Appeal of Trackman, J. R. Graves, to have a 30-day suspension removed from his record.

FINDINGS: Subsequent to a hearing, the Carrier concluded that the Claimant had failed to promptly report a personal injury which constituted a violation of its safety rules.


The Organization adamantly rejected the Carrier's findings of guilt as the claim was progressed and in its arguments before this Board. Essentially, the Organization contends that no injury occurred on October 15, 1984. Rather, what did happen was that the Claimant aggravated a pre-existing physical condition (that had occurred as a result of an earlier injury) which was known to the Carrier. Accordingly, under the circumstances, it maintains the Claimant should not have been charged with violation of the Carrier's rules.

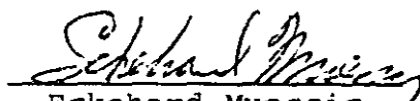
Although we recognize the Organization's well reasoned arguments, the Board finds that the claim cannot be sustained. The Claimant, by his own testimony at the hearing, has provided credible evidence to support the Carrier's findings of guilt to the charge. While fine distinctions sometimes may exist with respect to the existence of an injury which followed an earlier similar injury, the Claimant was aware of what had occurred and

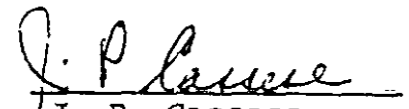
of the Carrier's reporting requirements with respect to injuries. Under the circumstances, his claim is not well taken and the Board will not disturb the Carrier's decision.

AWARD

The claim is denied.


F. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: MAY 27 1986