

Case No. 98 Award No. 81

STATEMENT OF CLAIM: Appeal by Trackman, Melvin Lett, to have his discipline of dismissal removed from his record and to be restored to the service.

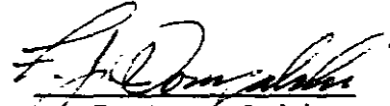
Subsequent to the investigation, the Carrier, relying upon the record developed, found that the Claimant's injury record was significantly higher than other employees doing the same work. The Carrier concluded that the Claimant was accident prone for the type of work required of him, and consequently held him to be an unsafe and unsatisfactory employee who should not continue to be employed.

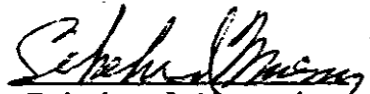
The Board is of the opinion that the Carrier has met its burden with respect to the charge of the Claimant being accident prone. However, we note that the Claimant's prior record is clear

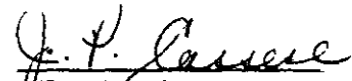
of infractions. Moreover, there is no indication that he had been counseled or put on any type of notice with respect to the possibly serious consequences that could result from his continued propensity to injure himself. In this context, and taking into account the Claimant's length of service, we shall restore him to service without compensation for time lost while out of service.

AWARD

The claim is sustained to the extent noted above.


E. J. Domzalski
Carrier Member


Eckehard Muessig
Neutral Member


J. P. Cassese
Employee Member

Dated: AUG 20 1985