

PUBLIC LAW BOARD NO. 3765

Parties
to the
Dispute

BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYES

vs.

GRAND TRUNK WESTERN
RAILROAD INCORPORATED

Case No.: 75

STATEMENT OF CLAIM

Claim appealing the 25 demerits assessed
D. Rodriguez, as a result of investiga-
tion commenced on November 3, 1994, in
Pontiac, Michigan.

OPINION OF THE BOARD

Claimant D. Rodriguez is employed as a Trackman. While working with a tie gang around Marcellus, Michigan, Claimant alleges that, sometime in June 1994, he was bitten by a tick while utilizing a wooded area along the tracks as a toilet facility. Claimant filed an injury report on October 19, 1994. He was thereupon served with the following notice:

You are hereby notified to attend a formal investigation to be held in the Pontiac Administration Building, 700 Pershing Street, Pontiac, MI 48340, on Thursday, November 3,

1994, at 1400 Hours, to determine your responsibility, if any, for the alleged violation of Rule 3001 and Rule 3002 of the Grand Trunk Safety Rules covering Maintenance of Way and Structures, Communications and Signal Employees, Effective January 15, 1983, which read as follows:

"3001. Promptly inform person in direct charge of work of every personal accident, even though extent of injury appears to be slight. When person in charge is in immediate vicinity, report should be immediate. When person in charge is not in immediate vicinity, inform him at earliest opportunity but not later than quitting time on day of accident.

3002. Obtain immediate first aid or medical attention for all injuries."

and for the falsification of GT Form 3902 dated October 19, 1994 which alleges an injury sustained by yourself in June, 1994 at Marcellus, Michigan, and not reported until October 19, 1994.

The hearing was held on November 3, 1994, as scheduled. As a result of the hearing, Claimant was found guilty as charged and assessed a twenty-five demerit penalty.

This Board has reviewed the record of the case and concludes that Claimant received a full and fair hearing and that the record supports a finding of guilt. This Board is of the opinion that deviations from the rules in regard to the late

filing of injury reports is serious and Carrier's assessment of a twenty-five demerit penalty was not inappropriate.

AWARD

Claim denied.

R.E. Dennis

R.E. Dennis,
Neutral Member

R.J. O'Brien

R.J. O'Brien,
Carrier Member

D. Bartholomay

D. Bartholomay,
Employee Member

February 20, 1996

Date of Adoption