

PUBLIC LAW BOARD NO. 3845

PARTIES TO THE DISPUTE

Brotherhood of Maintenance of
Way Employees

and

Norfolk and Western Railway
Company (Lake Region)

Case No. 11
Award No. 11

STATEMENT OF CLAIM

"Claim of the System Committee of the Brotherhood that:

- (1) The dismissal of J. Chambers, Jr., for allegedly failing to timely report an injury and for falsifying information under investigation was without just and sufficient cause, on the basis of unproven charges and in violation of the Agreement. [Carrier File MW-BRS-84-35]
- (2) Cook J. Chambers, Jr., shall be reinstated with seniority and all other rights unimpaired and compensated for all wage loss suffered."

OPINION OF THE BOARD

Claimant, an employee having some 14 years of service with Carrier, was functioning as a cook on a tie gang when he sustained a personal injury on October 15, 1984 while delivering noon meals to tie gang members. Claimant continued to work throughout the day and

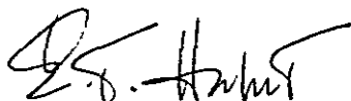
it was not until approximately noon on October 16, 1984, that claimant began to experience discomfort and he reported the injury to Manager of System Gangs B. T. Harris.

Claimant was dismissed on October 17, 1984 for failure to promptly report an injury, violation of NW Safety Rule 1001.

By letter agreement dated November 11, 1986, the parties to this dispute reached an understanding to reinstate Claimant Chambers to a service on a leniency basis and without pay for time lost. In view this dispute has been resolved by the parties, this Board has no alternative except to dismiss the claim.

AWARD

Claim dismissed.



E. T. Herbert, Neutral Member



W. L. Allman, Jr., Carrier Member



D. D. Bartholomay, Employee Member

Date: DEC 04 1986