

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

and

ILLINOIS CENTRAL RAILROAD

PUBLIC LAW BOARD No. 4331: CASE No. 13

STATEMENT OF THE CLAIM

David Hatton, Jr. was improperly dismissed.

OPINION OF THE BOARD

On October 7, 1987, the Claimant, Mr. David Hatton sustained an injury. Subsequently, the Carrier dismissed Mr. Hatton for being accident prone.

The record of this case indicates that during the period February 9, 1975 to October 7, 1987 Mr. Hatton sustained fourteen (14) injuries. During this same time period, a group of 266 track department employees sustained an average of 2.68 injuries per employee. During a shorter and more recent time period, April 18, 1986 to October 7, 1987, Mr. Hatton sustained five (5) injuries while a group of 274 track employees averaged .32 injuries per employee. Notwithstanding differences in type of work performed, nature of injuries and time lost from work among the employees, Mr. Hatton's accident record is significantly higher than the average.

Mr. Hatton was issued a Safety Rule Book and therefore knew or should have known the importance of safe work practices. Moreover, one month prior to his last injury, Mr. Hatton met with a safety engineer to review his safety record. There is substantial evidence from which to conclude that Mr. Hatton is accident prone.


We find no basis in the record to grant leniency in the application of discipline.

AWARD

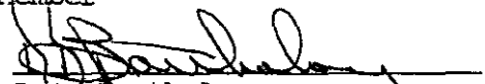
Claim denied.



Ronald L. Miller
Chairman and Neutral Member



J.S. Gibbins
Carrier Member



D.B. Bartholomay
Organization Member

21 June 1988
Date