

Case No. 34 Award No. 34

STATEMENT OF CLAIM

As noted earlier by this Board in its Award 33, there are many important reasons for the requirement to promptly report injuries. For the sake of its employees and the public, the Carrier has an obligation to operate in a safe manner. Moreover, it must protect itself

against possible liabilities arising because of personal injuries. It also has a responsibility to administer these safety rules in a responsible and reasonable fashion. This means that each case must be examined within the context of the overall circumstances at the time of the incident.

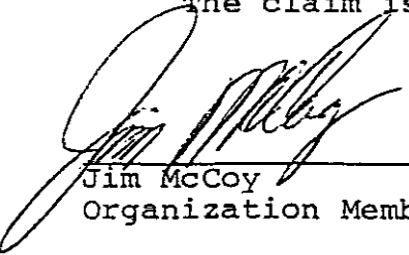
Clearly, a fair reading of the transcript of the hearing leads the Board to conclude that the Claimant did not ignore his reporting responsibilities. He reported the injury immediately after it occurred to Humphrey. Both Humphrey and the Claimant were under the impression that Humphrey was the supervisor. This conclusion was clearly shown by the testimony. Accordingly, with respect to the Claimant, there is an argument reasonably drawn that he did report his injury immediately.


Given this evidence and evidence he then filled out his required "705 Report" and reported his injury to Mr. M. T. Wilde ("Wilde"), the Manager of Train Operations in Taylor, Texas (the location where Humphrey and the Claimant filled out their time cards and went off duty), we find that he complied with the Rule. The Board also notes that Wilde, at the time the Claimant reported to him, gave no substantive indication that the Claimant had erred by not reporting to one of the supervisors at Lloyd Yard.


In summary, to discipline the Claimant for not preparing his written report until the end of his trip, serves no useful purpose. At the most, it may have been appropriate to discuss reporting requirements with the Claimant, Humphrey and Wilde.

AWARD

The claim is sustained.


Jim McCoy
Organization Member


Eckehard Muessig
Neutral Member


S. A. Bannister
Carrier Member

Dated: 4-8-98