

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 529

Docket No. 529
File 910077

Parties Brotherhood of Maintenance of Way Employees
to and
Dispute Union Pacific Railroad Company
(Former Missouri Pacific)

Statement

of Claim: (1) Carrier violated the Agreement, especially Rule 12, when Welder Helper P. R. Munger was assessed a 60-day suspension on October 29, 1990.

(2) Claim on behalf of Mr. Munger for wage loss suffered, beginning October 29, 1990 until November 27, 1990.

Findings: The Board has jurisdiction of this case by reason of the parties Agreement establishing this Board therefor.

Claimant, Welder Helper, P. R. Munger, attended a formal investigation on October 17, 1990 on the charge:

"...you sustained an alleged personal injury at about 1:45 P.M. Thursday, September 20, 1990, and did not report the alleged injury to proper offices until Monday, September 24, 1990."

As a result thereof, Claimant was found to be culpable of the charge. He received a 60 day suspension as discipline therefor.

Claimant was accorded the due process to which entitled under the discipline rule.

There was sufficient evidence adduced to support the Carrier's conclusion of Claimant's culpability of the charges placed against him. The record reflected that Claimant, while grinding a fork, on Thursday, September 20, 1990 received a steel sliver in his eye. He did not report that injury until Monday, September 24. The Claimant had gone to the hospital emergency room Friday night and had a piece of steel removed from his eye. He was told to go to an eye specialist on Monday to have a rust ring removed from the eye.

Claimant, on Saturday, September 22, reported, orally, the injury to Track Inspector Len O'Toole, who was working in place of MTM Todd Menchaca who was off that date. The

Claimant reported it to Supervisor Menchaca on Monday, September 24. Perhaps the testimony of the Claimant, at T-38 and T-39, is the most instructive. It reads:

"Q. ... What are the proper procedures, as you see them, to report an injury?

A. If any employee gets hurt on the job, he is to report it to his immediate supervisor as soon as possible.

Q. ...What procedures should your supervisor follow?

A. Well, if it is a real serious injury to make sure he get proper medical attention, and after that, have the paper work filled out."

As pointed out in our Award 527 Rule B requires:

"Personal injuries...must be reported by the first means of communication. Written report must follow promptly when required."

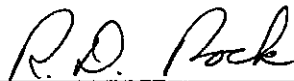
The Claimant had sustained six previous injuries and was, or should have been, aware of the procedures or requirements for reporting injuries.

In light of the incident, and his discipline record, particularly that part "reading failure to comply with instructions" the Board is impelled to find that the discipline is not unreasonable. This claim will be denied.

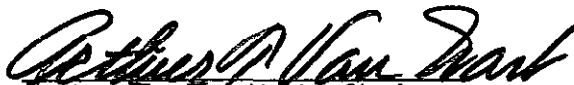
Award: Claim denied.



S. A. Hammons, Jr., Employee Member



R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member