

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 534

Docket No. 534

File 910239

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

Statement

of Claim: 1. Carrier violated the agreement, especially Rule 12, when Machine Operator S. Harris was assessed a 30-day suspension on December 21, 1990.

(2) Claim on behalf of Mr. Harris for wage loss suffered, beginning January 2, 1991 until February 1, 1991.

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

The Claimant, Machine Operator S. Harris, attended a formal investigation held, on December 5, 1990, on the charge of:

"Alleged failure to properly report an injury which occurred while you were working as Machine Operator..on Friday, June 15, 1990."

The Carrier concluded therefrom that the Claimant was culpable. It assessed the discipline of thirty (30) days suspension therefor.

Claimant was accorded the due process to which entitled under Rule 12.

There was sufficient evidence adduced to support Carrier's conclusion of culpability. The record reflected that Track Supervisor Noel testified that there was a collision occurring on June 15 and that he talked to the employees involved. Noel asked whether anyone was injured and they each said no.

Following an investigation thereon they found that the Claimant was at fault. Noel met with the Claimant to advise him when to start his 90 days actual suspension. At that time the Claimant told Supervisor Noel that he had to fill out an accident report because he was injured in that collision a month ago. Claimant, thus, in effect, was asserting that he had not reported his injury as required under the rules timely and properly.

As pointed out in our Award No. 450:

"It is of the greatest importance for the employer to know of any injury, whether real, suspected or imaginary, that has happened to any of its employees while on duty. An employee may not invoke his own judgment over what constitutes a reportable injury. He must report all of them according to the rules, whether real, suspected or imaginary."

Here, the Claimant failed to timely and properly report the injury. As in that quoted Award, the instant claim will also be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


R. O. Rock, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued May 27, 1992.