

Special Board of Adjustment No. 956

PARTIES
TO
DISPUTE:

Brotherhood of Maintenance of Way Employees
and
New Jersey Transit Rail Operations

STATEMENT
OF
CLAIM:

The ten-day suspension of H. Shumate for alleged violation of Safety Rule 3000(b) was unjust and arbitrary and should be set aside and Claimant Shumate compensated for all wage loss suffered as a result of that suspension.

FINDINGS:

Safety Rule 3000(b) prescribes that:

"Injured employees must immediately inform immediate supervisor. When person in charge is not in immediate vicinity, inform him at earliest opportunity but not later than the quitting time of the day of the occurrence."

This rule is definite and unambiguous. Its terms are not unreasonable, particularly when Carrier's enormous responsibility for safety and its exposure to litigation are taken into consideration.

When claimant sustained a back injury at 11 a.m. while lifting a heavy bag in the course of his work, he should have informed his immediate supervisor by quitting time at the latest. He violated Rule 3000(b) when he neglected to notify his assistant

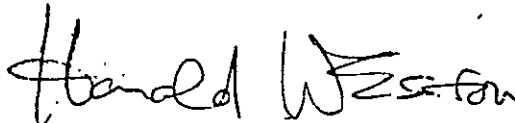
supervisor with two days later.

We are unimpressed by his explanations that the injury did not give him difficulty at the time it was sustained and that he took a sick day the following day. Nor is it persuasive that he was unaware of the rule; as an employee with over two years seniority, he should have been aware of this common sense safety requirement.

We find no basis for reversing Carrier's decision in this case.

AWARD: Claim denied.


Adopted at Newark, N.J., January 28, 1985.



Harold M. Weston, Chairman



Carrier Member



Employee Member