

Award No. 333
Case No. 333
System Docket No. MW-2220

SPECIAL BOARD OF ADJUSTMENT NO. 976
BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES
VS.
CONSOLIDATED RAIL CORPORATION



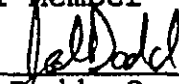
STATEMENT OF CLAIM:

Appeal of dismissal assessed B. D. Brown on November 27, 1992, in connection with being charged with (1) violation of Safety Rule 3001, when he failed to promptly report an injury on July 5, 1991 and (2) violation of Safety Rule 3000 when he failed to use care on July 5, 1991 to prevent and avoid injury to himself which in light of his prior injury record indicates he is unsafe and accident prone.

Upon the whole record and all the evidence, after hearing, the Board finds that the parties herein are carrier and employee within the meaning of the Railway Labor Act, as amended, and this Board is duly constituted by agreement under Public Law 89-456 and has jurisdiction of the parties and subject matter.

AWARD: Claim disposed of as follows:

There is sufficient evidence to convince this Board that claimant was guilty of charge 1. However, upon review of his injury record, which includes a bee sting approximately 4 years prior to this incident, we cannot resolutely describe him as being accident prone. Consequently, considering all factors involved and noting that claimant has 14 years of discipline free service, we conclude he should be afforded another opportunity to prove that he can be a safe and reliable employee. Therefore, claimant is to be restored to service but without any compensation for time lost.


C. A. Peacock, Neutral Member

F. J. Domzalski, Carrier Member

Jed Dodd, Organization Member
Issued this 18 day of July, 1992.