

SPECIAL BOARD OF ADJUSTMENT NO. 279

Award No. 467

Case No. 467
UP File 900139

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

Statement

of Claim: 1. Carrier violated the agreement, especially Rule 12, when Trackman K. W. Scott was dismissed from service on January 25, 1990.

(2) Claim on behalf of Mr. Scott for wage loss suffered beginning January 25, 1989, until reinstated with seniority, vacation and all other rights unimpaired.

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

The Claimant Trackman, K. W. Scott, following a formal investigation, held on January 22, 1990, on the charge of his alleged failure to report a personal injury that occurred allegedly sometime in October 1989 to the proper authority, was found to be culpable. He was dismissed from service as discipline therefor.

There was sufficient evidence adduced to support Carrier's conclusion as to Claimant's culpability. The Claimant had attended a safety meeting on January 10, 1990 following which he came to the office of the Manager of Track Maintenance, and advised him that he had incurred special injury sometime last year. After going through the Manager's diary, the Claimant alleged that it had occurred on October 4, 1989, some more than three months back, while working on crossover switches. The Claimant further alleged that he had reported this to his Foreman in October. However, that assertion was denied by his Foreman.

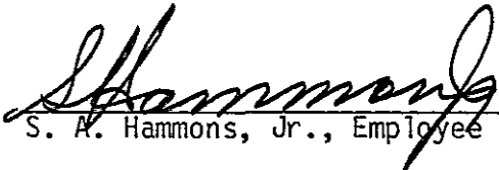
The Claimant had suffered 13 personal injuries. Hence, he was familiar with the knowledge of how to and the necessity of when to file a injury report.

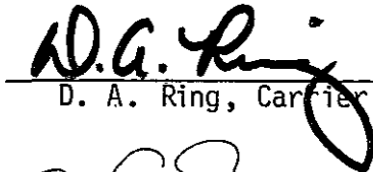
The Foreman made a denial, as did two of Claimant's peers in the gang. Therefore, it can be concluded that the Claimant had not reported any personal injury.

Our Board, as have other Boards previously, held that an employee has an obligation to promptly report an injury. The Claimant is employed in a hazardous employment and he is

entitled to and he gets certain benefits if and/or when injured without regard to negligence. Thus, the injuries must be, as the Carrier's rule prescribed, reported promptly. Such promptness is necessary to assist the employee to aid the Carrier in taking corrective measures if necessary. The discipline in light of Claimant's dismal service record is deemed not unreasonable. In the circumstances, this claim will be denied.

Award: Claim denied.


S. A. Hammons, Jr., Employee Member


D. A. Ring, Carrier Member


Arthur T. Van Wart, Chairman
and Neutral Member

Issued March 20, 1991.