

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.


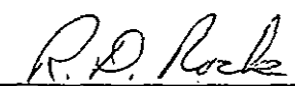
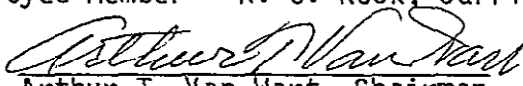
Following an investigation thereon they found that the
Claimant was at fault. Noel met with the Claimant to advise
him when to start his 90 days actual suspension. At that
time the Claimant told Supervisor Noel that he had to fill
out an accident report because he was injured in that
collision a month 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.