

Accident investigation, continued



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In my December 2023 column, I addressed the need to report accidents and injuries so that the hazard that is causing those injuries can be abated. I then addressed what rights you may have if the employer retaliates against you for the accident that you reported.

In my January column, I addressed the investigation of accidents to find the true cause. The true cause of an accident is not the shortest route to blame you, but rather involves conducting an objective investigation geared toward finding out what really happened without placing blame.

Taking these two parts together, we report an accident, investigate what happened and study all the facts to determine the true cause of the accident. We then develop an action plan to alert others on how to avoid a similar event.

When management does not objectively investigate the accident, the union might need to step up, investigate what really happened, compile those facts and then challenge management's opinion through the grievance procedure, if necessary.

In September of 2003, I received a call from the officers of Las Vegas, NV Branch 2502 seeking advice on an emergency suspension and removal issued to a carrier following a vehicle accident, after management's investigator had issued an opinion that the grievant had caused the accident. I shared my advice, grievances were processed and the matter was presented before an arbitrator.

The arbitrator summarized the dispute as follows:

The Postal Service version of what happened is that the Grievant parked at XXXXXX, delivered to it, then pulled away from the curb directly into [the other vehicle] as it was passing by in the west bound traffic lane, causing the accident. The Union's version of how the contact occurred is that the Grievant did not pull out from a parked position into [the other vehicle], but rather was already traveling on the west bound traffic lane at 10 to 15 miles per hour, that he moved about one foot to the left to avoid the mirrors of a parked vehicle, that, at that point, [the other vehicle] passed his LLV in the middle of the road, sideswiping it, thereby causing the accident, and that the Grievant was never aware and still was not aware at the arbitration hearing that contact was made. The two versions of the ac-

cident are irreconcilable. If the Postal Service's version is true, the Grievant committed an unsafe act; if the Union's version is true, he did not.

The employer presented its accident investigator in support of the charges. Then the union presented an accident reconstruction specialist who the union hired following the advice they received. This specialist had worked for the Colorado Springs Police Department for 27 years and retired as the sergeant in charge of vehicular accident investigations. The arbitrator noted that the union qualified him as an expert witness.

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The arbitrator summarized the expert's opinion as follows (C#25100):

(1) [T]hat a collision between the two vehicles had probably occurred, and (2) that the apparent angle of the collision indicated that it occurred while the [other vehicle] was passing the LLV while both vehicles were traveling in common direction at the point of impact, and that impact did not occur as a result of the LLV entering the roadway from a parked position. He testified, 'It was relatively simple to determine the angles of the two vehicles at the point of impact; they were parallel.' For reasons stated below, the Arbitrator finds that the Postal Service did not prove that its version of the facts occurred.

The emergency suspension and the removal were rescinded, and the arbitrator ordered that the grievant be made whole.

Remember that the investigation of an accident is supposed to find out what really happened. Never should such an investigation be conducted in a way to support a theory or an opinion. Get to the truth and deal with the truth.

On a personal note: On Jan. 15, Las Vegas, NV Branch 2502 President Glenn Norton passed away. I met Glenn in early 1992 while preparing for the arbitration of five letter carriers who had been terminated for extending their lunches. Glenn and I later became good friends. I enjoyed working with him in spite of the challenges that came with his sense of humor. I was privileged to install him as president of Branch 2502 in January of 2007. He held that position until his passing. Rest well, my friend. See you on the other side.