

Injured Rail Road Worker Sues over Failure to Require Gloves

After Christopher Freitick suffered an on the job injury, he filed a [lawsuit against his employer](#), SMS Rail Lines (“SMS”), for allegedly failing to implement safety procedures that could have prevented the accident. In a recent case, the U.S. District Court for the Eastern District of Pennsylvania ruled on SMS’s motion asking the court to dismiss all claims.

The Incident

At the time of his injury, Freitick was working for SMS as a boom truck operator and railroad track laborer. He had been assigned to build a new track-switch panel, and was setting the track by hammering steel spikes into railroad ties using a ten pound maul. According to the Official Incident Report from SMS, Freitick swung his maul and missed a track spike, causing it to fly up and hit him in the wrist. Freitick suffered extensive lacerations, severed tendons in his wrist, and had nerve damage.

The Legal Claim

Unfortunately, Freitick was not wearing protective leather gloves when he was struck by the spike, which would likely have mitigated or prevented his injuries. It is undisputed that SMS Rail Lines provided leather safety gloves to Freitick. However, he claims that he was never trained, told, or required to wear the gloves while manually setting railroad ties.

Freitick filed suit against SMS under the Federal Employers’ Liability Act (“FELA”), seeking compensation for his injuries,

medical treatment, mental distress, loss of enjoyment of life, and lost earnings resulting from the incident. Under FEOLA, it is well-established that a railroad company can be found negligent for failing to set or enforce proper safety measures. For Freitick's claim to be successful, he must show not only that there was negligence, but that it caused his injury. SMS motioned for summary judgment, hoping the case would be dismissed.

Ultimately, the court rejected the request for summary judgment, meaning the case will go to a jury. Freitick and SMS did not agree upon whether wearing gloves was known to be an on the job requirement and whether Freitick was trained to always wear gloves. When important facts are in dispute, summary judgment is not appropriate and jurors must evaluate the case. Now, it will be up to a jury to decide whether a failure to require its employees to use safety gloves made SMS at fault for Freitick's injuries.