

The Third Division consisted of the regular members and in addition Referee Rodney E. Dennis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(National Railroad Passenger Corporation (Amtrak))

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10408) that:

(CARRIER'S FILE NO. TCU-D-2994/TCU FILE NO. 393-D8-138-R)

Claim of the General Committee of the Brotherhood that:

1. Carrier, acting arbitrarily, violated Rule 24 and other related rules of the Agreement when, by notice of November 23, 1988, it assessed discipline of termination against Claimant, Ms. Donna Risatti.
2. Carrier shall now reinstate to service with seniority rights unimpaired and compensate Claimant an amount equal to what she could have earned, including but not limited to daily wages, overtime and holiday pay had discipline not been assessed.
3. Carrier shall now expunge the charges and discipline from Claimant's record.
4. Carrier shall now reimburse Claimant for any amounts paid by her for medical, surgical or dental expenses to the extent that such payments would be payable by the current insurance provided by Carrier."

FINDINGS:

The Third Division of the Adjustment Board upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

At the time of the incident that gave rise to this arbitration, Claimant was employed as a Reservation Sales Agent at Carrier's Western Reservation Sales Office in Los Angeles, California. On June 9, 1988, Claimant was charged as follows:

"CHARGE: Violation of Rules 'D', 'F' part 1, and 'F' part 3 of the Amtrak Rules of Conduct in that on May 24, 1988 while on duty as a Reservation Sales Agent in the Western Reservation Sales Office you excessively placed three calls from customers on hold between about 9:51 AM and about 10:11 AM."

A Hearing into the matter was held on November 16, 1988. The transcript of that Hearing has been made a part of the record of this case. A review of the record reveals that Claimant was granted a full and fair Hearing and was afforded all rights guaranteed by Agreement. She was, as Carrier concluded, guilty of mishandling customers calls. Based on these infractions and Claimant's past record of performance, Carrier chose to dismiss her from service.

This Board has carefully reviewed the record in regard to Claimant's behavior during the incidents in the charges and her past record of mishandling customer calls. Based on this review and the proposition that good customer service goes to the heart of Carrier's mission, we conclude that Carrier's actions were not arbitrary or capricious and that Claimant's dismissal must stand. This Board has no basis on which to decide otherwise in this case. Claimant was on notice by Carrier's counseling and by arbitration involving the same infraction that she is required to properly perform her duties and pay full attention to them. She failed to do so at her own peril.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dwyer - Executive Secretary

Dated at Chicago, Illinois, this 29th day of August 1991.