

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 31876
Docket No. CL-32014
97-3-94-3-378**

The Third Division consisted of the regular members and in addition Referee John C. Fletcher when award was rendered.

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

STATEMENT OF CLAIM:

"Claim of the System Committee of the Organization (GL-11066) that:

- 1. The Carrier acted in an arbitrary, capricious and unjust manner and in violation of Rule 24 of the Agreement when, by notice of September 9, 1992, it assessed discipline of ten (10) days suspension, five days to be served and five days to be held in abeyance for a period of six months, against Reservation Sales Agent Michael Bussa.**
- 2. The Carrier shall, if he is ever required to serve the suspension, be immediately required to reinstate Claimant to service with seniority rights unimpaired and compensate him an amount equal to what he could have earned, including but not limited to daily wages, overtime and holiday pay, had discipline not been assessed.**
- 3. The Carrier shall now expunge the charges and discipline from Claimant's record."**

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 employee 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 were given due notice of hearing thereon.

Claimant was disciplined for being discourteous to a customer while dealing with her on the telephone. The record is conclusive that Claimant was indeed discourteous, and, indeed, called her back when there existed absolutely no sound business reason for doing so. The discipline assessed, modest in the circumstances, will not be disturbed.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 4th day of March 1997.