

Public Law Board No. 2296

Case No. 37

Award No. 37

Parties to Dispute:

National Railroad Passenger Corporation (AMTRAK)

and

Brotherhood of Railway, Airline and Steamship Clerks,
Freight Handlers, Express and Station Employees

Statement of Claim:

1. Corporation acted in an arbitrary and unjust manner when it dismissed Mr. Ken Moore from service of the Corporation effective June 9, 1978 as the result of investigation held on June 1, 1978 thus violating Rule 24.
2. Corporation shall now be required to restore Mr. Moore to service with all rights and privileges unimpaired and compensate him for all time lost.

Opinion of Board:

Claimant was dismissed following a hearing after which he was found guilty of refusing to assist in cleaning the main lobby as instructed, and leaving early.

The Carrier, in handling the matter, offered to reinstate claimant after 90 days' discharge. This offer was coupled with the demand that he abandon his claim for pay for time lost.

Apparently the carrier thought 90 days was sufficient discipline for the offense, and we will agree with them. Claimant will be allowed reinstatement, and his claim for pay for time lost will be allowed except for 90 days' pay.

Findings:

That the Agreement was violated.

Award:

Claim sustained as outlined.

Dated this 10th day of Nov, 1979, at Washington, D.C.

John H. Criswell
John H. Criswell, Neutral Member

W. O. Cole
W. O. Cole, Carrier Member

F. B. Kingsolver
F. B. Kingsolver, Employee Member