

**BEFORE
PUBLIC LAW BOARD NO. 6054**

IN THE MATTER OF THE ARBITRATION BETWEEN:

THE NATIONAL RAILROAD PASSENGER)	
CORPORATION (AMTRAK))	AWARD NO. 5
)	CASE NO. 5
AND)	
)	
THE BROTHERHOOD OF MAINTENANCE)	Suspension of
OF WAY EMPLOYEES)	Richard Denman

CLAIM:

1. The thirty (30) day suspension assessed Truck Driver Denman for his alleged violation of Carrier's Standards of Excellence and Workplace Violence when on December 15, 2000, he allegedly was insubordinate and threatening towards a foreman was without just and sufficient cause, based on unproven charges and in violation of the Agreement (Case No. 542.00).
2. As a consequence of the violations referred to in Part (1) above, Truck Driver Richard Denman shall be compensated for all wage loss suffered and benefit loss and have his record cleared of the incident.

FINDINGS:

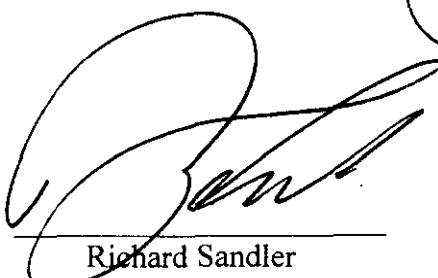
This Board, upon the whole record and all of the evidence, finds that the parties herein are both the Carrier and the Employees within the meaning of the Railway Labor Act, as amended; that this Board is duly constituted by Agreement dated August 5, 1997, and has jurisdiction over the parties and the subject matter.

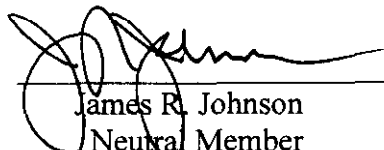
Grievant was employed by the Carrier as a Truck Driver. The record shows that, on December 15, 2000, Grievant had an altercation with a Foreman, and threatened him with bodily harm. The record is somewhat ambiguous as to whether he also "pushed" or merely "touched" the Foreman in connection with the altercation.

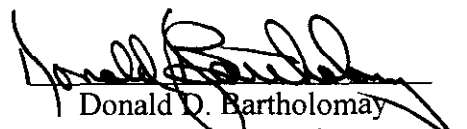
Making threats of bodily harm to Supervisors and/or co-workers is unacceptable behavior, and deserving of discipline. We find that the Grievant was guilty of such behavior, and that the discipline was not excessive.

AWARD:

Claim denied.



Richard Sandler
Carrier Member

James R. Johnson
Neutral Member

Donald D. Bartholomay
Employee Member

Dated: 7/29/03