

**BEFORE
PUBLIC LAW BOARD NO. 6054**

IN THE MATTER OF THE ARBITRATION BETWEEN:

**THE NATIONAL RAILROAD PASSENGER
CORPORATION (AMTRAK)**

AND

**THE BROTHERHOOD OF MAINTENANCE
OF WAY EMPLOYEES**

**AWARD NO. 2
CASE NO. 2**

**Discharge of
Robert Willis**

CLAIM:

1. That the Carrier violated the provisions of the current Agreement when it dismissed Trackman Robert Willis. Said action being excessive, unduly harsh and in abuse of discretion.
2. That the Carrier now reinstate the Claimant to his former Carrier position with seniority and all other rights restored unimpaired, with pay for all loss suffered and his record cleared of all charges.

FINDINGS:

This Board, upon the whole record and all of the evidence, finds that the parties herein are 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.

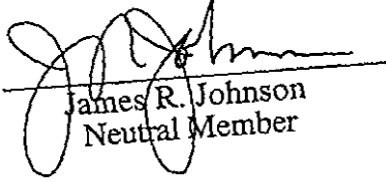
Grievant was employed by the Carrier as a Trackman, working on the Peninsula Commuter Service. On February 16, 1996, at approximately 6:00 P.M., the Grievant utilized his employee pass at the Amtrak Richmond California station to obtain free round-trip tickets. Some 20 minutes later, a non-employee presented those tickets to the Agent, and explained that he had purchased them at half-price from the Grievant, and subsequently noticed that they were "Pass" tickets, requiring employee identification for their use. An investigation was held and the Grievant was dismissed from service for dishonesty, and abusing his pass privileges.

The evidence adduced at the investigation is persuasive, and the Grievant offered no credible excuse or alternative version of the facts. This was a most serious offense, and we cannot oblige the Carrier to retain in its service an employee who manifests such behavior. The discipline was appropriate and the claim is denied.

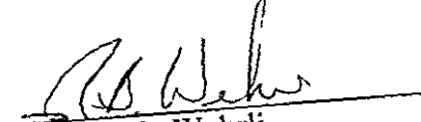
Willis Discharge

AWARD:

Claim denied.


James R. Johnson
Neutral Member


Thomas W. Fleming
Carrier Member


R. B. Wehrli
Employee Member

Dated April 6, 1998