

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 44

Docket No. NEC-BMWE-SD-1616D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

On September 9, 1986, Claimant R. Lanning was notified to attend a formal hearing in connection with the charge:

Violation of Amtrak's Rules of Conduct (NRPC 2525 dated 09/85) Rule 'B', which reads in part as follows:

Rule 'B' . . . Safety . . . Safety is of first importance in the operation of the railroad and, therefore, is the most important aspect of an employee's duties. Employees must understand and comply with safety regulations and practices pertinent to their class or craft of employment. In all circumstances, employees should take the safest course of action. Hazardous conditions and conduct that may jeopardize the safety of passengers, employees, the general public, and/or Amtrak property must be immediately reported to the appropriate supervisor and corrected as quickly as possible.

Employees must promptly report to the proper authority . . . unusual conditions which may effect [sic] the safe movement of trains.

Specification #1: In that on Thursday, September 4, 1986, you were given orders as Foreman of Gang #Y-112 to spike every fifth tie on the Atlantic City Project between Pennington Road and Walker Street (M.P. 22.8 to M.P. 22.1 on #1 Track).

Further, when questioned at the end of your assigned tour of duty on this date, if same was completed, your verbal response was positive in this regard.

The hearing was held on September 29, 1986, and as a result, Claimant was disqualified for one year as M/W Foreman. The Organization thereafter filed a claim on Claimant's behalf, challenging his disqualification.

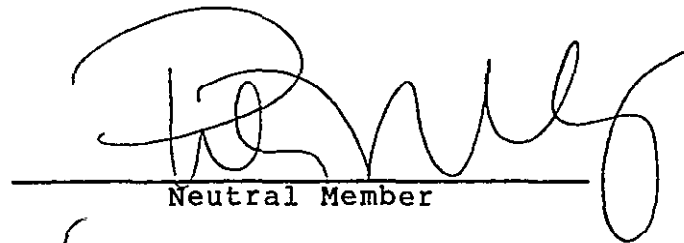
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offense with which he

was charged.

Once this Board determines that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. In this case, a disqualification for one year as a foreman was not an unreasonable, arbitrary, or capricious penalty given the nature of the offense. Therefore, the claim must be denied.

Award:

Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 4-12-88