

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 51
Docket No. NEC-BMWE-SD-1825D

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant V. Coleman was employed as a welder's helper by Carrier at Baltimore, Maryland. On January 28, 1987, Claimant was notified to attend an investigation of the charge:

Violation of NRPC Amtrak's Rules of Conduct, which reads:
"Employees must obey instructions, directions, and orders from Amtrak supervisory personnel and officers except when confronted by a clear and immediate danger to themselves, property, or the public. Insubordinate conduct will not be tolerated.

Specification: Due to incident that occurred on January 19, 1987 at approximately 2:00 a.m. at B and P Tower at which time you were instructed to return to your job location by Asst. Supervisor, K.R. Nunnelee and you did not comply with Mr. Nunnelee's instructions.

The hearing was held on February 10, 1987, and as a result, Claimant was assessed a ten-day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.


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 of insubordinate conduct.

Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. In the case at hand, the Claimant engaged in insubordinate conduct, which can often lead to discharge. Therefore, we find nothing unreasonable about the ten (10)


day suspension that he received. Consequently, the claim will be denied.

Award:

Claim denied.



Neutral Member

Carrier Member

Organization Member

Date: 4-12-88