

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 53

Docket No. NEC-BMWE-SD-1794D

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

FINDINGS:

Claimant J.P. Warner was employed as a trackman by Carrier at its Tie Rehabilitation Facility at Bear, Delaware. On February 11, 1987, Claimant was notified to attend an investigation of the charge:

Violation of Amtrak Rules of Conduct, Rule 'L' which states, in part, "Employees must obey instructions, directions, and orders from Amtrak supervisory personnel and officers . . . . Insubordinate conduct will not be tolerated."

Specification: The occurrence which happened in Tie Rehabilitation Gang A-602 at Amtrak Bear Complex, Bear, DE, at approximately 12:50 p.m. on 1/30/87, at which time you refused to work in a light rain condition.

The hearing was held on February 18, 1987, and as a result, Claimant was assessed a thirty working 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 guilty finding.

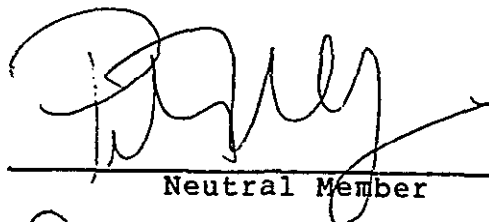
Once this Board determines that there is sufficient evidence in the record to support the finding of guilty, the Board next turns its attention to the type of discipline imposed. This Board will not set aside a carrier's imposition of discipline unless we find it to be unreasonable, arbitrary, or capricious. In this case, the Claimant received a thirty (30) day suspension for insubordination.

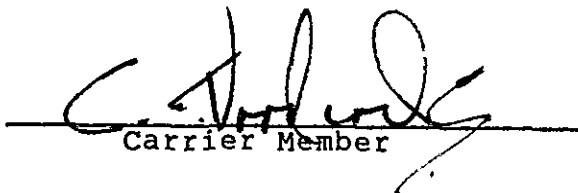
Insubordination often leads to discharge; and, therefore, we can find

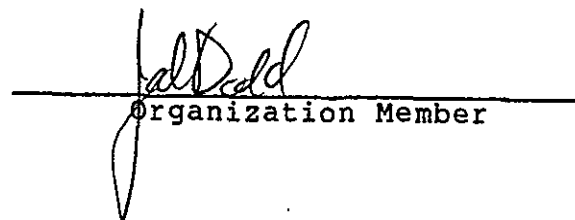
nothing unreasonable about the discipline imposed by the Carrier on this Claimant. Therefore, the claim must be denied.

Award:

Claim denied.

  
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Neutral Member

  
\_\_\_\_\_  
Carrier Member

  
\_\_\_\_\_  
Organization Member

Date: 4-12-68