

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 60

Docket No. NEC-BMWE-SD-1800

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

On March 20, 1987, Claimant K. Avens was employed by Carrier as a member of an undercutter gang working at the MW Repair Facility in Bear, Delaware. On March 24, 1987, Claimant was notified to attend an investigation of the charge:

Violation of Amtrak-Rules of Conduct, Rule F(3) which reads in part: "Employees must conduct themselves on and off the job so as not to subject Amtrak to criticism or loss of good will." and Rule "L" 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."

Whereas: On March 20, 1987, at approximately 1:30 p.m. your conduct at the Holiday Inn on Route 372 in Newark, DE was unbecoming of an Amtrak Employee and put Amtrak in an unfavorable light and subject to criticism.

The hearing took place on April 2, 1987, and as a result, Claimant was assessed a fifteen-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 first reject the procedural arguments advanced by the Organization.

With respect to the merits, this Board finds that there is sufficient evidence in the record to support the finding that the Claimant acted in violation of the rules as charged. Once this Board has determined that there is sufficient in the record, 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

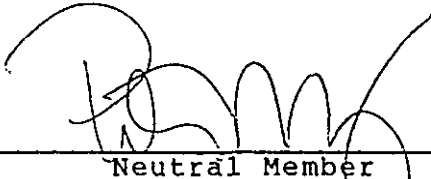
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have been unreasonable, arbitrary, or capricious. Given the nature of the Claimant's offense, we find nothing unreasonable about the 15-day suspension imposed by the Carrier. Therefore, the claim will be denied.

Award:

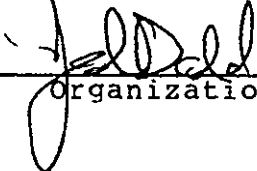
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 8-78-88