

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 64

Docket No. NEC-BMWE-SD-1819

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

On April 6, 1987, Claimant B. Winchester was employed as a foreman by Carrier at its Odenton MW Base in Odenton, Maryland. On April 8, 1987, Claimant was directed to attend an investigation of the charge:

Violation of the National Railroad Passenger Corporation-Amtrak Operating Rules and Instructions, Rule 910 which reads in part:

"Track Foremen are responsible for the safe condition of track and roadway in their charge. When inspecting or performing work on track, they will be governed by the prescribed standards. Whenever track does not conform to these standards, they will immediately take appropriate protective or corrective action."

Specifications: In that on Tuesday, April 7, 1987 at approximately 5:30 A.M. in the vicinity of Milepost 103.3, #2 Track, you failed to take appropriate protective or corrective action for the safe condition of track in your charge.

After a postponement, the hearing took place on April 21, 1987. As a result, Claimant received a fifteen-day suspension; Claimant also had to requalify on AMT-1, then bid on a foreman's job, and work as a trackman in the interim. The Organization thereafter filed a claim on Claimant's, challenging the discipline. The discipline was subsequently reduced to a 5-day 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 with which he was charged.

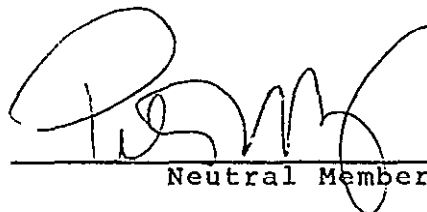
Once this Board has determined that there is sufficient evidence

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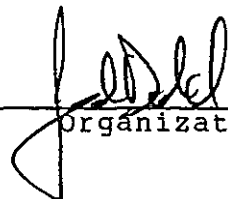
in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. In this case, the Carrier has already taken action to reduce the discipline to a 5-day suspension. We cannot find the action of the Carrier in imposing a 5-day suspension on the Claimant for the actions for which he was found guilty to have been unreasonable, arbitrary, or capricious. Therefore, the claim must be denied.

Award:

Claim denied.

  
Neutral Member

  
Carrier Member

  
Organization Member

Date: 8-18-88