

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 66

Docket No. NEC-BMWE-SD-1867

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

FINDINGS:

Claimant K. Bingham is employed as an EWE operator by Carrier.  
On June 16, 1987, Claimant was directed to attend investigations of  
the following charges:

Violation of NRPC (Amtrak) 2525 (9/85) Rules of Conduct, Rule "O"  
which reads in part: "Rule O . . . Employees must not be absent  
from their assigned duty or engage in other than Amtrak business  
while on duty or on Amtrak property without permission from their  
supervisor . . ." in that

Specification #1:

On June 15, 1987 at the T.L.S. Camp located on Spring Road on  
the Atlantic City Line, Winslow, New Jersey you were instructed by  
Track Supervisor, Mr. M. MacAdams at 6:15 a.m. to report at 7:30  
a.m. to the TLS Office car to be transported to and from  
Philadelphia, PA, in order to attend your scheduled physical. You  
failed to appear at the designated time and place and left Amtrak  
property without permission.

Violation of NRPC (Amtrak) 2525 (9/85) Rules of Conduct, Rule "L"  
which reads in part: "Rule L . . . 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 . . ." in that

Specification #2:

On Monday, June 15, 1987 at the T.L.S. Camp located on Spring  
Road, Atlantic City Line, Winslow, New Jersey you failed to comply  
with instructions issued to you by Track Supervisor, Mr. Michael  
MacAdams at 6:15 a.m. in connection with taking a physical as  
outlined in the Northeast Corridor "Special Instructions" Rule No.  
100R-A1 Employee Physical Examinations which was scheduled for you  
at 10:00 a.m. on Monday, June 15th, 1987.

The hearing was held on June 29, 1987; as a result, Claimant received  
a thirty-day combined suspension. The Organization thereafter filed a  
claim on Claimant's behalf, challenging the suspension.

PA FED BMWE

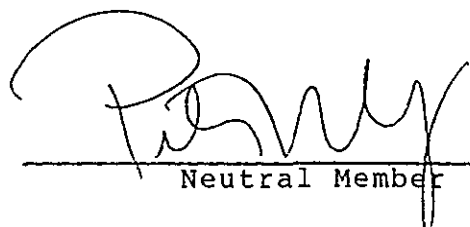
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This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offenses with which he was charged.

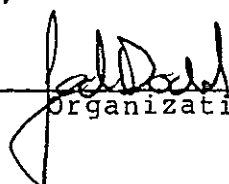
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. This Board will not set aside a carrier's imposition of discipline unless we find the action of the carrier to have been unreasonable, arbitrary, or capricious. In this case, given the nature of the offense and the disciplinary record of the Claimant, we cannot find that the 30-day suspension was unreasonable. Therefore, the claim will be denied.

Award:

Claim denied.

  
\_\_\_\_\_  
Neutral Member

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

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

Date: 8-18-88