

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 67

Docket No. NEC-BMWE-SD-1980D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant M. Colaianni is employed as a track foreman by the Carrier at its Trenton, New Jersey, facility. On September 21, 1987, Claimant was notified to attend a hearing in connection with the following charges:

Violation of Rule F, Part 3, of the National Railroad Passenger Corporation Rules of Conduct (NRPC 2525 dated 9/85) which reads in part as follows: Rule F . . . Employee Conduct . . . (Part 3) Conduct involving dishonesty . . is prohibited. Employees must conduct themselves on and off the job so as not to subject Amtrak to criticism or loss of good will.

In that the NRPC 1894 (Daily Timesheet) dated September 17, 1987 as submitted by yourself is incorrect relative to Labor Code (03) which reflected one (1) hour of overtime.

The hearing took place on October 7, 1987, and as a result, Claimant was assessed a thirty-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 submitting an incorrect timesheet.

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 have been unreasonable, arbitrary, or capricious. In the case at hand, although there is a clear showing of wrongdoing on the part of the

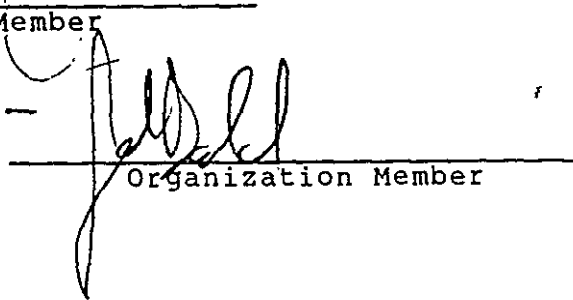
Claimant, the record reveals that the Claimant has served the Carrier for over eight years with no previous disciplinary problems. The action taken here by the Claimant, although deserving of discipline, based on his record, does not justify a 30-day suspension. Therefore, this Board must find that the discipline be reduced to a 10-day suspension and Claimant be made whole for all lost pay resulting from the arbitrary penalty imposed by the Carrier.

Award:

Claim sustained in part. The discipline is reduced to a 10-day suspension and Claimant is to be made whole for all back pay after 10 days.



Neutral Member


Carrier Member
Organization Member

Date: _____

10/4/88