

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 69
Docket No. NEC-BMWE-SD-1938D

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

FINDINGS:

Claimant V. Coleman is employed as a machine operator by Carrier at its Odenton, Maryland, facility. On July 1, 1987, Claimant was directed to attend a hearing in connection with the following charges:

Violation of National Railroad Passenger Corporation, Amtrak, Rules of Conduct, Rule K, which reads in part:

"Employees will not destroy, deface, vandalize or waste Amtrak property."

Specification: In that on Wednesday, June 24, 1987 at approximately 1:50 a.m. in the vicinity of Amtrak property at Stoney Run, MP 106.9, you failed to stop Compactor N2313 and ran into Ballast Regulator A4250.

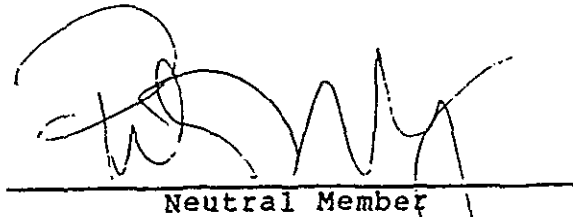
After two postponements, the hearing took place on September 22, 1987. As a result of the hearing, Claimant was assessed a sixty-day suspension and requalification on AMT 1 and 2. The Organization thereafter filed a claim on Claimant's behalf, challenging the discipline.

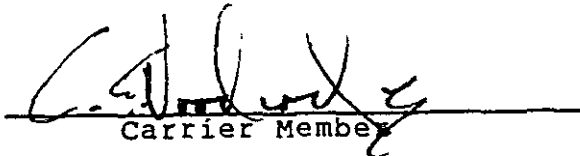
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offense with which he was charged.

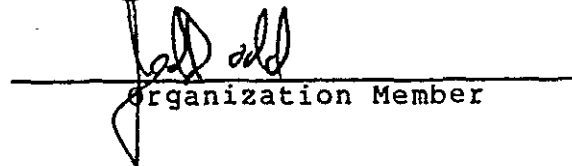
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. Although the Claimant has over eleven years of seniority with the Carrier, his prior service record reveals several letters of warning and three previous

suspensions, the most recent of which was a 45-day suspension. Consequently, this Board cannot find that a 60-day suspension for his wrongful behavior in this case was unreasonable. Therefore, the claim must be denied.

Award:


Neutral Member


Carrier Member


Organization Member

Date: 10/4/88