

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 70

Docket No. NEC-BMWE-SD-1887D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant D. May is employed as a work equipment engineer by Carrier at its Winslow, New Jersey, facility. On June 16, 1987, Claimant was directed to attend a hearing in connection with the following charges:

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 #1: On Monday, June 15, 1987 at the TLS Camp Facility located on Spring Road, Atlantic City Line, Winslow, New Jersey you failed to comply with instructions issued to you by Track Supervisor, Mr. J. McLaughlin 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 11:00 a.m. on Monday, June 15, 1987.

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 TLS Camp located on Spring Road on the Atlantic City Line, Winslow, New Jersey you were instructed by Track Supervisor, Mr. J. McLaughlin 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.

The hearing took place on June 29, 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 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 it to have been unreasonable, arbitrary, or capricious. In this case, the Carrier imposed a 30-day suspension against the Claimant. Given his background and the nature of the offense, this Board cannot find that the action taken by the Carrier was unreasonable, arbitrary, or capricious. Therefore, the claim must be denied.

Award:

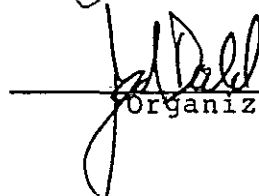
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 10/4/88