

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 85

Docket No. NEC-BMWE-SD-2045D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant R.E. Waters, Jr., is employed as a trackman by Carrier in Baltimore, Maryland. On October 10, 1987, Claimant was notified to attend a formal investigation of the charge:

Violation of Amtrak Rules of Conduct, Rule "O", which reads in part: "Employees must report for duty at the designated time and place and must attend to their duties during assigned working hours. Employees may not be absent from their assigned duty or engage in other than Amtrak business while on duty or on Amtrak's property without permission from their supervisor"

Specification: In that on Friday, October 16, 1987 at approximately 10:00 A.M. in the vicinity of Baltimore Station, you left your assigned work area and engaged in business other than Amtrak without the permission of your Supervisor.

The hearing took place on November 23, 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 a violation of Rule O of the Amtrak Rules of Conduct. Therefore, the Carrier was within its rights to issue discipline to the Claimant.

Once this Board has found 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 taken by the Carrier to be unreasonable, arbitrary, or capricious. Given the

nature of the offense and the atrocious previous disciplinary record of the Claimant, this Board cannot find that the action taken by the Carrier was unreasonable, arbitrary, or capricious.

Award:

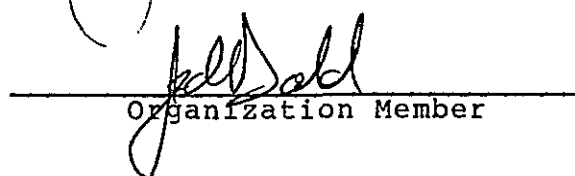
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 12/30/88