

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 86

Docket No. NEC-BMWE-SD-2058D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant V. Thomas is employed as a trackman by Carrier in Bear, Delaware. On August 28, 1987, Claimant was notified to attend a formal investigation of the charge:

For excessive absenteeism in that on the following dates you were absent in whole or in part:

July 23, 1987  
July 30, 1987 -  
August 7, 1987

After four postponements, the hearing took place on February 3, 1988, and as a result, Claimant was assessed a ten-day suspension. The Organization then 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 excessive absenteeism.

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 taken by the Carrier to be unreasonable, arbitrary, or capricious. The record reveals that this Claimant was issued a letter of instruction in July 1987 for excessive absenteeism. Consequently, in conformance with the Carrier's absenteeism program, the next incident of excessive absenteeism subjected the Claimant to a 10-day

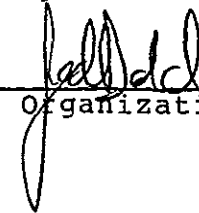
suspension. Therefore, the Carrier followed its regular program which this Board has previously found to be reasonable, and the claim must be denied.

Award:

Claim denied.

  
Neutral Member

  
Carrier Member

  
Organization Member

Date: 12/30/88