

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 89

Docket No. NEC-BMWE-SD-2154D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant M. Tindall was employed as a trackman by Carrier in Baltimore, Maryland. On April 5, 1988, Claimant was notified to attend a hearing in connection with the charge:

Violation of Amtrak's Rules of Conduct, Rule "F" (2), which states: "Employees will not . . . threaten . . . intimidate . . . or participate in any activity which could cause bodily injury to other Amtrak employees. Employees, whether on or off duty, will not disrupt or interfere with other employees in the performance of their duties."

Specification: In that on March 30, 1988, at approximately 9:10 a.m., you did verbally threaten to kill Assistant Supervisor of Track, David M. Brown, while engaged in telephone conversation with him.

The hearing took place on April 12, 1988, 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 verbally threatening to kill a supervisor.

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 to have been unreasonable, arbitrary, or capricious. In this case, the Claimant engaged in an activity which often leads to discharge.

The Claimant received a thirty-day suspension for his actions. The Claimant's previous record, which involved several letters of warning, as well as two previous suspensions, plus the nature of the offense in this case, makes it clear that the Carrier in no way acted unreasonably, arbitrarily, or capriciously in assessing the Claimant their thirty-day suspension. Therefore, the claim must be denied.

Award:

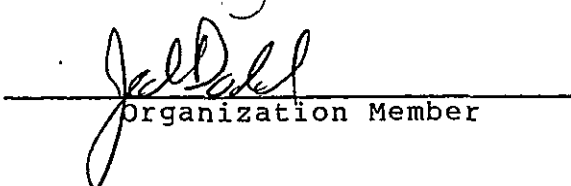
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: _____

1-26-89