

BEFORE SPECIAL BOARD OF ADJUSTMENT 986

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES
DIVISION – IBT RAIL CONFERENCE
and
NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)
NORTHEAST CORRIDOR**

Case No. 319

STATEMENT OF CLAIM:

Appeal of the discipline of ten days' suspension issued to Claimant Ben Addison.

FINDINGS:

By notice dated October 16, 2014, the Claimant was directed to attend a formal investigation on charges that the Claimant had violated the Carrier's Standards of Excellence relating to Safety, Professional and Personal Conduct, and Attending to Duties in connection with a September 26, 2014, incident in which the Claimant allegedly asked another foreman to place speed restriction signs for the Claimant in a restriction zone that the Claimant had called in, the other foreman failed to place the signs in the correct location, and the Claimant never ensured that the restriction was properly protected. The investigation was conducted, after two postponements, on April 7, 2015. By letters dated April 16, 2015, the Claimant was notified that he had been found guilty as charged and was being assessed a ten-day disciplinary suspension. The Organization thereafter filed a claim on the Claimant's behalf, challenging the Carrier's decision to discipline him. The Carrier denied the claim.

The Carrier contends that the instant claim should be denied in its entirety because the Claimant was afforded a fair and impartial investigation, because substantial evidence

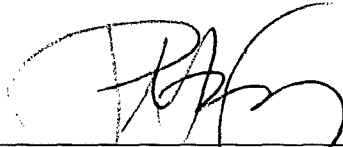
support the guilty finding, we next turn our attention to the type of discipline imposed.

This Board will not set aside a Carrier's imposition of discipline unless we find its actions to have been unreasonable, arbitrary, or capricious.

The Claimant in this case was issued a relatively lenient ten-day suspension for his wrongdoing. His previous disciplinary record includes a thirteen-day suspension, a ten-day suspension, and a thirty-day suspension. Some of those were for safety violations. Given that previous disciplinary background, coupled with the seriousness of the offense of which he was properly found guilty in this case, this Board cannot find that the Carrier acted unreasonably, arbitrarily, or capriciously when it issued the ten-day suspension to the Claimant. Therefore, the claim must be denied.

AWARD:

The claim is denied.

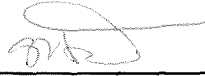


PETER R. MEYERS
Neutral Member



ORGANIZATION MEMBER

DATED: April 3, 2017



CARRIER MEMBER

DATED: April 3, 2017 c 854 am est