

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 52

Docket No. NEC-BMWE-SD-1798D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant was employed as a machine operator at Carrier's Tie Rehabilitation Facility at Bear, Delaware. On March 27, 1987, Claimant was notified to attend an investigation of the charge:

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

Specification: The incident which occurred at the Tie Rehabilitation Facility, Bear, DE, on March 25, 1987, at approximately 2:30 P.M., in which you were involved in an argument with Track Foreman G. Wilson.

The hearing was held on April 9, 1987, and as a result, Claimant was assessed a thirty working 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 violation of Rule F. Therefore, the Carrier had the right to impose discipline.

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 be unreasonable, arbitrary, or capricious. In the case at hand, the type of wrongdoing engaged in by the Claimant often leads to discharge.

Therefore, we find nothing unreasonable about the thirty (30) day suspension that he received. Consequently, the claim must be denied.

Award:

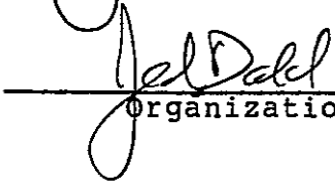
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 4-12-88