

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 54

Docket No. NEC-BMWE-SD-1732D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant M. Ross was employed as a B&B mason foreman by Carrier at its Adams M/W Base. On January 9, 1987, Claimant was notified to attend an investigation of the charge:

Alleged violation of Rule F, Parts 1 & 2, of the Amtrak Rules of Conduct, which reads in part,

Part 1: "All employees are required to conduct themselves in a courteous and professional manner in dealing with . . . other Amtrak employees."

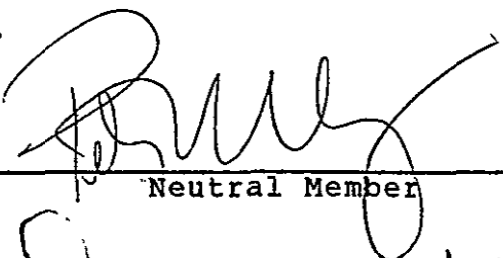
Part 2: "Employees will not assault, threaten, harass, intimidate, fight or participate in any activity which could cause bodily injury to other employees while on duty or on Amtrak property or using Amtrak equipment . . ."; in connection with the incident that occurred on January 7, 1987 at approximately 2:00 p.m. between yourself and Michael Mangus.

After a postponement, the hearing was held on February 9, 1987; as a result, Claimant was assessed a ten-day suspension, which was held in abeyance for a year. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

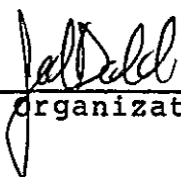
This Board has reviewed the evidence and testimony in this case, and we hereby find that since the ten (10) day suspension was held in abeyance for one (1) year and it has since been expunged, this claim can be dismissed. The Claimant apparently was on good behavior for the one (1) year period after February 9, 1987; and, therefore, the ten (10) day suspension that was held in abeyance has been expunged from his record. Therefore, the claim will be dismissed.

Award:

Claim dismissed.



Neutral Member

Carrier Member

Organization MemberDate: 4-12-88