

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 55
Docket No. NEC-BMWE-SD-1778D

PARTIES: Brotherhood of Maintenance of Way Employees
TO :
DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant K. Avens was employed as a M/W repairman at Carrier's Undercutter Unit at Bear, Delaware. On February 19, 1987, Claimant was notified to attend an investigation of the charge:

Violation of Rule 'O' of Amtrak Rules of Conduct which states, in part "Employees must report for duty at the designated time and place and must attend to their duties during assigned working hours. Employees may not be absent from their assigned duties or engage in other than Amtrak business while on duty . . ."

Specification: On February 6, 1987, you left Amtrak property at approximately 9:00 o'clock a.m. with the U/C bus driver and conducted personal business until 9:45 a.m. while on duty at Amtrak.

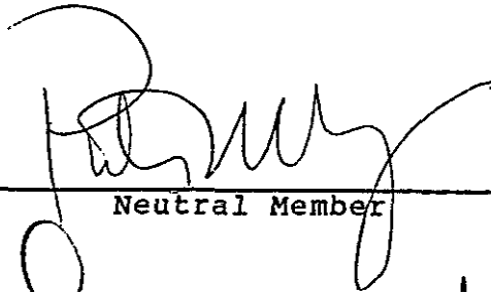
After two postponements, the hearing was held on March 19, 1987; as a result, Claimant was assessed a ten working day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

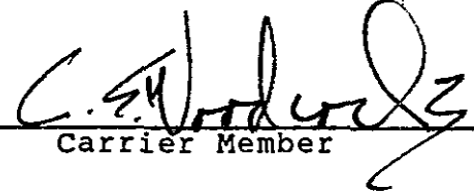
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the offense with which he was charged.

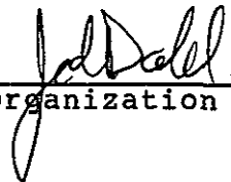
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our attention to the type of discipline imposed. In this case, the Claimant received a ten (10) day suspension. We can find nothing unreasonable regarding that discipline, considering the nature of the offense. We, therefore, deny the claim.

Award:

Claim denied.



Neutral Member

Carrier Member

Organization MemberDate: 4-12-88