

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 61

Docket No. NEC-BMWE-SD-1814

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

On January 20, 1987, Claimant R. Ripple III was employed by Carrier as a gang foreman at Odenton MW Base in Odenton, Maryland. On January 27, 1987, Claimant was notified to attend an investigation of the charge:

Violation of Amtrak's Maintenance of Way Employees Safety Rules and Instructions, Rule 4001 (a) which reads in part: "The immediate supervisor shall: (a) be responsible for safety instructions and -safe performance of all the men under his jurisdiction including employees from another department or gang."

Specification: In that on January 20, 1987 in the vicinity of Odenton, MW Base, at approximately 11:45 P.M., employees under your supervision were working and allowed to work in an unsafe work practice.

After two postponements, the hearing took place on March 3, 1987; as a result, Claimant received a seven-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 allowing employees under his supervision to work in an unsafe manner. The Claimant's failure to ensure the safe performance of the employees under him was a violation of Rule 4001(a).

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 this case, the Claimant received a seven-day suspension. Given the nature of the offense and his previous work record, we can find nothing unreasonable about the extent of discipline issued. Therefore, the claim must be denied.

Award:

Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 8-16-88