

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 63

Docket No. NEC-BMWE-SD-1816

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

In January and February 1987, Claimant R. Miller was employed by Carrier as a welder in a gang headquartered at Odenton MW Base in Odenton, Maryland. On February 3, 1987, Claimant was directed to attend an investigation of the charge:

Violation of Amtrak's Excessive Absenteeism Policy

Specification: In that you were absent in whole or in part on the following dates between January 8, 1987 and February 2, 1987, specifically, January 8, 1987, January 19, 1987, January 22, 1987 and February 2, 1987.

After three postponements, the hearing took place on April 13, 1987; as a result, Claimant received a ten-day suspension. The Organization thereafter filed a claim on Claimant's behalf, challenging the suspension.

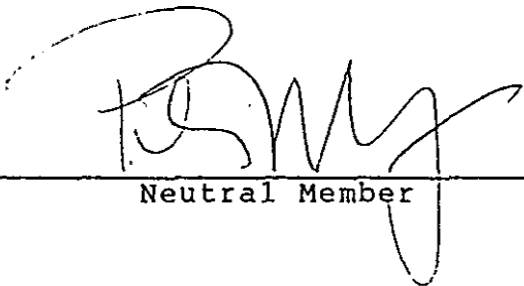
This Board has reviewed the evidence and testimony in this case, and we find that there is sufficient evidence in the record to support the finding that the Claimant was guilty of the charge of excessive absenteeism.

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 Claimant received a ten-day suspension. The record reveals that in January 1987, the Claimant was issued a written warning. The

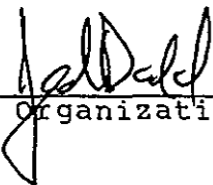
Carrier's absenteeism policy calls for a ten-day suspension after an employee has received a written warning for excessive absenteeism. Therefore, the discipline was appropriate.

Award:

Claim denied.



Neutral Member



Organization Member



Carrier Member

Date: 8-18-88