

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 68

Docket No. NEC-BMWE-SD-1979D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant L. Vazquetelles is employed as a trackman by Carrier at its New Brunswick, New Jersey, facility. On September 28, 1987, Claimant was directed to attend a hearing in connection with the following charges:

Violation of (NRPC 2525) (September of 1985) Amtrak's General Rules of Conduct, Rule "F" which reads in part:

"1. All employees are required to conduct themselves in a courteous and professional manner in dealing with the public and other Amtrak employee. Boisterous conduct or horseplay and profane or vulgar language are prohibited."

"2. Employees will not assault, threaten, harass, intimidate . . . Employees, whether on or off duty, will not disrupt or interfere with other employees in the performance of their duties."

Specification: In that on Wednesday, September 16, 1987, at approximately 8:45 P.M., you addressed Mr. John E. Soete, Assistant Supervisor, Tie/Rail Gang, in a threatening and intimidating manner using profane and vulgar language which disrupted other employees in the performance of their duties.

The hearing took place on October 5, 1987, and as a result, Claimant was assessed a twenty-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

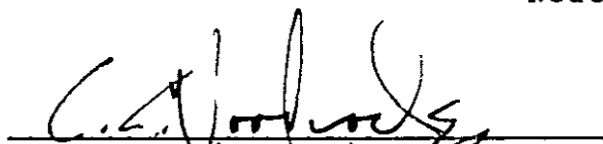
attention to the type of discipline imposed. This Board will not set aside a carrier's imposition of discipline unless we find it to have been unreasonable, arbitrary, or capricious. In this case, although the Claimant has over eleven years of seniority, he has previously received several letters of warning and a suspension. Therefore, this Board cannot find that the action taken by the Carrier here was unreasonable. Consequently, the claim must be denied.

Award:

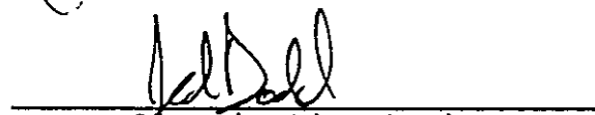
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 10/4/88