

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 80
Docket No. NEC-BMWE-SD-2047D

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

FINDINGS:

Claimant A. Mackey is employed as a trackman by Carrier in Baltimore, Maryland. On November 9, 1987, Claimant was notified to attend a formal investigation of the charge:

Violation of Amtrak Rules of Conduct, Rule "L", which states: "Employees must obey instructions, directions, and orders from Amtrak supervisory personnel and officers except when confronted by a clear and immediate danger to themselves, property, or the public. Insubordinate conduct will not be tolerated."

Violation of Amtrak Rules of Conduct, Rule "F", Part 1, which states: "All employees are required to conduct themselves in a courteous and professional manner in dealing with the public and other Amtrak employees. Boisterous conduct or horseplay and profane or vulgar language are prohibited."

Specification: Whereas on Wednesday, November 4, 1987, in the vicinity of Paul Interlocking at approximately 11:00 A.M., you were insubordinate to General Foreman Trevor Patience when he directed you to report to the office of the Track Supervisor. Additionally, you demonstrated a boisterous and uncourteous attitude toward Mr. Patience.

After four postponements, the hearing took place on January 13, 1988, and as a result, Claimant was assessed a fifteen-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 violating Rule L in that the Claimant used boisterous conduct and vulgar language.

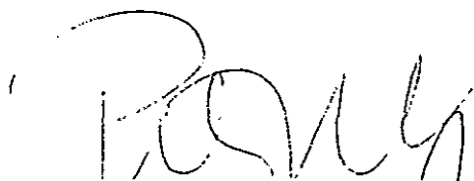
Once this Board has determined that there is sufficient evidence in the record to support the guilty finding, we next turn our

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.

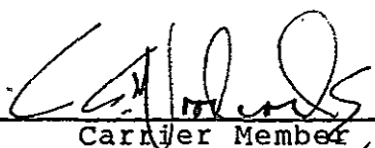
In this case, the Claimant was assessed a 15-day suspension for activity which often leads to discharge. This Board cannot find that the Carrier's action was unreasonable, arbitrary, or capricious. Therefore, the claim must be denied.

Award:

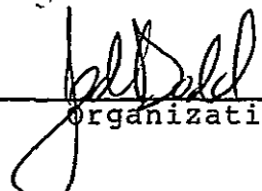
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 12/30/88