

SPECIAL BOARD OF ADJUSTMENT NO. 986

Case No. 90

Docket No. NEC-BMWE-SD-2155D

PARTIES: Brotherhood of Maintenance of Way Employees

TO :

DISPUTE: National Railroad Passenger Corporation (Amtrak)

FINDINGS:

Claimant J. Cobb was employed by Carrier in New York; Claimant was qualified on AMT-1. On March 21, 1988, Claimant was notified to attend a hearing in connection with the charge:

Alleged violation of Rule "D" of the NRPC Rules of Conduct, which reads in part: "Employees must . . . obey company and departmental policies, procedures, and special instructions . . . ," and, of Rule 290 of the NRPC Operating Rules and Instructions, in that, on March 9, 1988 at approximately 1:10 A.M. at Fair Interlocking the Burro Crane that you were operating ran through an improperly lined switch and was derailed.

The hearing took place on April 19, 1988. As a result, Claimant was assessed discipline of time served as demoted EWE-"B" Operator (twelve days) and requalification on AMT-1 within thirty days of May 2, 1988, the date of the notice of discipline. The Organization thereafter filed a claim on Claimant's behalf, challenging the assessed discipline.

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 guilty finding.

Once this Board has determined that there is sufficient evidence in the record to support the Carrier's finding that the Claimant was guilty of the offense with which he was charged, 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, given the

nature of the offense and the relative lack of severity of the discipline, this Board cannot find that the Carrier acted unreasonably, arbitrarily, or capriciously in assessing the discipline. Therefore, the claim must be denied.

Award:

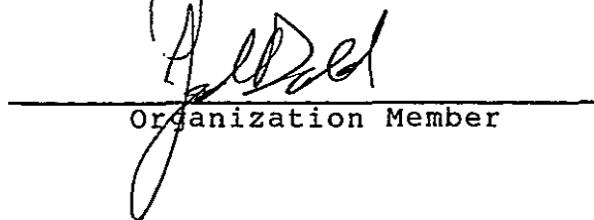
Claim denied.



Neutral Member



Carrier Member



Organization Member

Date: 1-26-89