JUDGE ISSUES BIG AWARD FOR WRONGFULLY FIRED AMTRAK WORKER

A judge recently ordered Amtrak to pay back pay, compensatory damages and punitive damages to an Amtrak train attendant it wrongfully fired. The Judge also Ordered the employee to be reinstated with all rights restored and to have her record expunged. The Order was issued pursuant to the FRSA "whistleblower" statute. The worker reported a problem with bedbugs on an Amtrak sleeper car and filed an injury report saying she had been bitten by the bedbugs herself while on the job. The worker's report was not the first time someone complained about bedbugs on their sleeper cars; several employees and customers had complained about them before the worker did. Amtrak began threatening and harassing her and fired her soon after.

The worker loved her job and customers complimented her on her work and her attitude regularly. She even earned a Customer Service Star Award from Amtrak management just months before she was fired. Reporting the bedbugs was just another example of her commitment to Amtrak and to her customers. The bedbug infestation was serious, and she knew they had to take the car out of service. Amtrak left it in service, though, and the worker got bit on her very next trip. Even after the worker told her supervisor the car had to be taken out of service, Amtrak kept using it. The worker decided the only thing she could do was mark off because she felt unsafe working in the bedbug car, and also said she would take a safety stand-down. She was again bitten by bedbugs, several times, on that trip and again on another trip later. She filed injury reports again. Still, Amtrak threatened to fire her immediately if she did not work in the unsafe car. She worked in unsafe conditions to save her job. Even after she agreed to work, her supervisor made her do unusual work on the run without help.

Several weeks later, an Amtrak customer tweeted about an encounter with the worker. Amtrak used this as a pretext to hold an investigation of the worker. The worker and her union chairman fought the allegations, but Amtrak fired her.

The employee filed a whistleblower case and took Amtrak to court. Amtrak tried to argue they fired the worker for cause. The Court disagreed and found Amtrak had fired the worker because she filed injury reports and raised safety concerns. After hearing all the evidence the Judge found Amtrak had indeed retaliated against the worker and ordered Amtrak to rehire her, completely expunge her record, pay her full back wages plus interest of approximately $120,000, pay her $40,000 for emotional distress, pay her $220,000 in punitive damages, and pay attorneys' fees and costs. The comprehensive Order is available upon request.

Railroad employees are protected from retaliation for making safety complaints by the Federal Rail Safety Act, (FRSA). Complaints can be made directly to OSHA. The case was handled by Fred Bremseth, Bremseth Law Firm, PC. (800-545-3733). A full copy of the award is available upon request.