

Jury Awards \$250,000 in Punitive Damages in Railroad Whistleblower Case

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On Sept. 15, a jury in the U.S. District Court for the Southern District of New York issued a \$250,000 punitive damages award against Amtrak in a whistleblower retaliation case brought by two Amtrak employees under the [Federal Railroad Safety Act](#) (FRSA). The punitive damages award of \$125,000 each for two plaintiffs far exceeded the economic damages of \$711 each. The award serves as a strong statement from the jury against [FRSA whistleblower retaliation](#).

About the Case

Timothy Dendy and Jason Polk worked for Amtrak in New York. Beginning in June 2013, the pair were promoted to the position of lead car inspector. As lead car inspectors, they walked through and around train cars and noted internal and external safety concerns. Once they noted the concerns on paper, they would present their findings to the maintenance and repairs teams to guide them in remedying any defects.

Within two weeks of their promotion, in late June 2013, Polk and Dendy were told that they would be disqualified from their jobs if they continued to find so many safety concerns. On July 1, 2013, both men were demoted to car inspector. Shortly after they were demoted, Amtrak abolished the position of lead car inspector because the position was unpopular with the union.

Amtrak argued that Dendy and Polk were intentionally taking too much time to do their work because of previous labor management disputes with the company. The Amtrak foreman testified that the railcar safety concerns that Dendy and Polk identified were neither fake nor fraudulent, but that the pair had taken too much time to inspect the cars.

About the Jury Award

The jury found in favor of the plaintiffs, awarding both Dendy and Polk \$711 in back pay to make up for the amount they would have made had they not been demoted from lead car inspector to car inspector. The back pay award was small because Amtrak abolished the lead car inspector position shortly after the men were demoted. Polk received \$25,000 in additional damages for his mental anguish. Most notably, the pair received a combined \$250,000 in punitive damages, which, unlike the small back pay award, is likely to deter the company from retaliating against its employees for raising safety concerns in the future.