

The Second Division consisted of the regular members and in addition Referee Walter C. Wallace when award was rendered.

Parties to Dispute: (System Federation No. 18, Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Maine Central Railroad Company

Dispute: Claim of Employees:

- (a) That under the current Agreement, B. F. Hale, Carman, was unjustly dismissed from the service of the Maine Central Railroad Company on October 28, 1976.
- (b) That accordingly, the Maine Central Railroad Company be ordered to reinstate Carman B. F. Hale to service with seniority rights, sick leave benefits and all other benefits that are a condition of employment unimpaired and compensation for all time lost while being held out of service.
- (c) Reimbursement for all losses sustained account of loss sustained account of loss of coverage under the health and welfare and life insurance agreements during time held out of service.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

In this case claimant admitted that he had been arrested, pleaded guilty and was sentenced on a charge of "attempting to commit a larceny" in the early morning hours of October 6, 1976 at Bangor, Maine. He was dismissed from Carrier's service after a hearing had been held.

Claimant now, through the Organization, seeks reinstatement to service and compensation for time lost contending that Carrier failed to prove that claimant's actions warranted dismissal; and further, that the action occurred off duty and not on Carrier's property.

After a careful review of this record, the Board finds no basis for overturning Carrier's actions. It is a universally accepted tenet in this industry that dishonesty is a dismissible offense. Carrier has the right to expect honest employees, and has no obligation to retain in its service those, who by their own admission, are not.

While there are Awards which have at times held that Carrier's rules do not properly extend to off-duty misconduct; situations that, as here, involve acts of misconduct which are of such a character as to destroy confidence in the employee's integrity, self-control and judgment, a different application must obtain.

The discipline assessed in this case was not unjust, unreasonable or arbitrary. We must uphold Carrier's discipline.

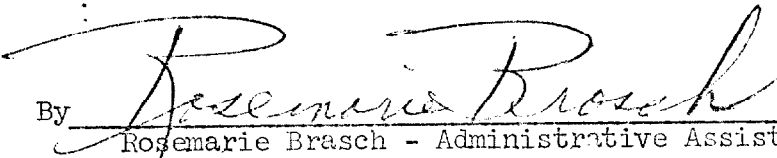
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 23rd day of June, 1978.