

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21334

Docket Number CL-21495

Nicholas H. Zumas, Referee

(**Brotherhood of Railway, Airline and Steamship Clerks**
(Freight Handlers, Express and Station **Employees**

PARTIES TO DISPUTE: (

(Grand Trunk Western **Railroad Company**

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood, GL-8065, that:

1. Carrier **unjustly** dismissed from the service Mr. T. Vice, Valparaiso Operator, **Valparaiso**, Indiana, as a result of investigation held on April 2, 1975, in which the transcript failed to support the decision of the Carrier in dismissing the Claimant.

2. Carrier shall return Mr. Vice to **service with** all **rights** unimpaired, and compensate him for all **wages** lost account dismissal.

OPINION OF BOARD: Claimant admitted to breaking and entering the **Material** Discount Store in Valparaiso, Indiana in the early hours of December 11, 1974, and removing a chair intending it for his **own** use. After hearing **and investigation** Claimant was dismissed from Carrier's service.

Claimant, through the **Organization**, seeks reinstatement and **compensation** for time lost contending 'that Carrier failed to prove that Claimant's actions warranted dismissal and brought discredit **on** the Carrier. The **Organization** further argues that the burglary 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 action. It is a universally accepted tenet in the railroad industry and elsewhere that dishonesty is a dismissable offense. Whether or not Carrier's property was involved or that Claimant's action did or did not reflect negatively on Carrier make no difference. Carrier has the right to expect honest **employees**, and has no obligation to keep those, who by their own admission, are not.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and **all** the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the **Employees** involved in this dispute are respectively Carrier and **Employees** within the meaning of the Railway Labor Act, as approved June 21, 1934;

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That this Division of the Adjustment Board **has** jurisdiction
over the dispute involved herein; and

That **the Agreement** was not violated.

A W A R D

Claim **denied**.

NATIONAL RAILROAD **ADJUSTMENT** BOARD
By Order of Third **Division**

ATTEST:

A. W. Paulos
Executive Secretary

Dated at Chicago, Illinois, this 30th day of **November** 1976.

