

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25621
Docket Number W-25427

Nicholas **Duda**, Jr., Referee

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: {
(The Chesapeake and Ohio Railway Company
(Southern Region)

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood that:

(1) The dismissal of Track Inspector Oliver **Bolden**, Jr. for alleged "**conduct** unbecoming an **employee**" on July 9, 1982 was without just and sufficient cause and **on** the basis of unproven charges (System File **C-D-1431/MG-3610**).

(2) The **claimant** shall be reinstated **with** seniority **and** all other rights unimpaired and he shall be compensated for all wage loss suffered.

OPINION OF BOARD: Prior to his dismissal, Claimant was an Assistant Track Inspector assigned to Force 1184 at Shelby, Kentucky.

On **July 9**, 1982, Claimant was instructed to drive his truck to the Mechanic's Shop at Russell, Kentucky so that hi-rail wheels and bearings on the truck could be repaired. The evidence supports the Carrier's finding that he went to the Ashland Plaza where he exposed himself to a woman.

Several Awards of this Board **have** held **that** an **employee** is **subject** to discipline for off-property conduct which subjects the employer to adverse criticism **or** damages the employer's reputation. Awards have also held that dismissal for "conduct unbecoming- is not excessive. This claim, therefore, will be denied.

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;

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

That the Agreement was not violated.

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Claim denied.

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

Attest:


Nancy J. Defer - Executive Secretary

Dated at Chicago, Illinois, this 19th day of September 1985.

