

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.

