

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24111  
Docket Number SG-23777

Josef P. Sirefman, Referee

PARTIES TO DISPUTE: { Brotherhood of Railroad Signalmen  
{ Southern Railway Company

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Railway Company, et al.:

On behalf of Assistant Signalman M. J. Ellison (dismissed effective October 1, 1979, after an investigation held in Memphis, Tennessee on September 20, 1979) for reinstatement to service, restoration of his seniority, and pay for all time lost because of this dismissal." (Carrier file: SG-412. General Chairman file: SR-140)

OPINION OF BOARD: Claimant M. J. Ellison, an Assistant Signalman with about three years service was charged in a September 4, 1979 notice of investigation "with conduct unbecoming to an employee of the Southern Railway Company on August 28, 1979 which resulted in your being banned from the motel where lodging was being furnished to you and your fellow employees of Southern Railway Company". An investigation was held on September 20, 1979 and Claimant was dismissed on October 1, 1979.

A review of the record before this Board establishes that the September 4, 1979 notice of investigation provided sufficient particularity to permit Claimant to properly prepare a defense for the allegations contained therein. Where the Carrier provides lodging off the property employees are required to comport themselves in a manner which will not discredit their employer. The record, including the direct testimony of the chambermaid that Claimant treated her improperly, establishes that Claimant did not live up to this standard. There was substantial evidence in the record to sustain the Carrier's decision to discipline Claimant for this serious infraction. Even if a disputed prior element in his record is disregarded there remain two prior suspensions of thirty and five days within the fifteen months before the incident involved in this proceeding. Therefore, the penalty of dismissal was reasonable.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of January 1983.

