

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 25621  
Docket Number MW-25427

Nicholas Duda, Jr., Referee

PARTIES TO DISPUTE: ( Brotherhood of Maintenance of Way Employees  
( 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.

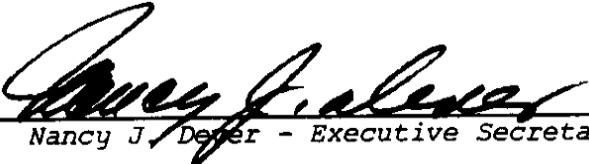
Award Number 25621  
Docket Number MW-25427

Page 2

A W A R D

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.

