

NATIONAL RAILROAD ADJUSTMENT BOARD

Third Division

PARTIES TO DISPUTE:

THE ORDER OF SLEEPING CAR CONDUCTORS

THE PULLMAN COMPANY

DISPUTE.—

"Claim of J. W. Bringolf for reinstatement to position from which he was dismissed September 26, 1933, with pay for all time lost."

FINDINGS.—The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The Carrier and the Employee involved in this dispute are respectively Carrier and Employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

The parties to said dispute were given due notice of the hearing thereon.

This was an ex parte submission, and when presented the jurisdiction of the National Railroad Adjustment Board was challenged by the Carrier, whereupon, on August 29, 1935, a hearing was had upon the question of jurisdiction.

The Third Division being unable to agree upon that question, Mr. W. H. Spencer was called in as Referee to sit with the Division as a member thereof and make an award. On January 2, 1936, an award was rendered assuming jurisdiction and ordering the case to be heard upon its merits, in compliance with which a hearing was held on April 17, 1936. At this hearing it was developed that Conductor Bringolf had been dismissed from the service of the Carrier on September 26, 1933, for cause.

Position of Employee:

"Conductor J. W. Bringolf contends that the decision of the Central Zone General 'A' Committee entitles him to reinstatement in service as conductor; and all wages lost at his established monthly rate from date of the decision until reinstated. He contends that Mr. B. H. Vroman, Assistant to General Manager, had no authority under the Plan of Employee Representation to interfere with a decision of the Committee recommending reinstatement. Such action is not provided for in the Plan of Employee Representation. Paragraph (b) of Article 4 (Exhibit B) indicates that the unanimous decision of the Committee was final and binding upon the Company. The only provision for carrying a case beyond the General 'A' Committee would be in event of failure to agree, when the appeal would be to the Bureau of Industrial Relations, the Assistant to General Manager having no jurisdiction."

The Carrier contends that the action taken by the Assistant to General Manager was in accord with the established practice and the manner in which the Plan of Employee Representation was administered, and that decisions of the Zone General "A" Committee were unenforceable, it having only power to make recommendations.

The Carrier represents further that it has been exceedingly patient and lenient with Conductor Bringolf; that upon his repeated promises to improve, several delinquencies had been overlooked, and that he was only dismissed after it was found no dependence could be placed on his promises of improvement.

The Third Division finds it is without authority to enforce a recommendation of The Pullman Company Zone General "A" Committee; that the grounds for dismissal were sufficient and the action of the Carrier was justified.

AWARD

Claim denied.

By Order of Third Division:

NATIONAL RAILROAD ADJUSTMENT BOARD.

Attest:

H. A. JOHNSON, *Secretary*.

Dated at Chicago, Illinois, this 18th day of May 1936.