

Award No. 563

Docket No. PM-541

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Frank M. Swacker, Referee

**PARTIES TO DISPUTE:**

**BROTHERHOOD OF SLEEPING CAR PORTERS**

**THE PULLMAN COMPANY**

**STATEMENT OF CLAIM:** "The particular question herein involved is the unjust, unwarranted and wrongful discipline of Porter E. C. Quinn, of the Chicago Western District, by District Superintendent H. G. Jones of said District, by being penalized thirty days on the extra list because of the alleged failure of Porter E. C. Quinn to properly prepare berths in drawing room, Car 111, Line 2511, enroute from Chicago, Illinois, to Columbus, Ohio, December 14, 1936."

**STATEMENT OF FACTS:** The facts are hardly open to dispute. The evidence overwhelmingly establishes that the petitioner did erroneously make down the room for double occupancy instead of single occupancy as his instructions clearly indicated.

**OPINION OF BOARD:** The only question involved therefore is whether the discipline imposed was excessive. It should be understood that the discipline was not equivalent to a 30 day lay-off and that the petitioner in fact lost less than one-third of a month. While there is a slight suspicion of prejudice in the matter, it is insufficient to warrant a conclusion that the discipline is unreasonable, and the Board therefore should not disturb it.

**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 employe involved in this dispute are respectively carrier and employe 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 Board finds no unjust, unwarranted or wrongful discipline involved.

**AWARD**

Claim denied.

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

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 11th day of January, 1938.

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