

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "For and in behalf of G. E. Nash, a porter who is now employed by the Pullman Company operating out of the Pennsylvania Terminal District of New York City. Because the Pullman Company did on March 28, 1939, discipline Porter Nash by assessing his record with a 'caution' because of the alleged complaint of a passenger who occupied space in the car to which Porter Nash was assigned, which disciplinary action was unjust and unreasonable, and further, for the record of Porter Nash to be cleared of the particular charge, and to have the disciplinary action taken against him removed from his record."

STATEMENT OF FACTS: G. E. Nash, employed by the Pullman Company as a porter, Pennsylvania Terminal District of New York City, was assigned to service as porter in Line 6517, New York to Chicago, via Pennsylvania Railroad.

On trip New York to Chicago, January 5-6, 1939, passenger in car Allegheny County, to which Porter Nash was assigned, complained about the ventilation of the car and bedroom occupied by the passenger. Complaint was later made by the passenger to Vice-President of the Carrier.

Hearing was held, following which Nash was formally notified that the passenger's complaint was justified and a "caution" would be entered on Porter Nash's record.

Appeals were accorded in compliance with the provisions of the agreement effective October 1, 1937.

OPINION OF BOARD: The evidence of record discloses no grounds for disturbing the action of the carrier.

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 evidence of record discloses no grounds for disturbing the action of the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of October, 1939.