

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

I. L. Sharfman, Referee

PARTIES TO DISPUTE:

THE BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "For and in behalf of C. R. Collins who is now employed by the Pullman Company as a porter out of the District of New Orleans, Louisiana, because the Pullman Company did take disciplinary action against Porter Collins by assessing the service record of Porter Collins with a 'caution' because of alleged service derelictions on trip leaving New Orleans, April 8, 1939, which alleged charges are unproved; and further, because Porter Collins did not have a fair and impartial hearing, and the disciplinary action taken against him was unjust and unreasonable; and further, for the record of Porter Collins to be cleared of these alleged charges."

EMPLOYES' STATEMENT OF FACTS: "Your petitioner, the Brotherhood of Sleeping Car Porters, represents that it is the duly designated representative of all porters, attendants and maids in the service of the Pullman Company under the provisions of the Railway Labor Act.

"Your petitioner further sets forth that in such capacity it is duly authorized to represent C. R. Collins who is now and for several years past has been employed as a porter by the Pullman Company operating out of the district of New Orleans, Louisiana.

"Your petitioner further represents that Porter Collins was charged with a number of derelictions of duty while on his regular trip car Meredith College, Line 2687, L. & N. train No. 38, leaving New Orleans, April 8, 1939.

"Your petitioner further represents that Porter Collins denied the various items involved in the complaint.

"Your petitioner further sets forth that hearing was held in this matter on May 4, 1939 before District Superintendent T. C. Olney of New Orleans after which the record of Porter Collins was assessed with a 'caution' under date of May 13, 1939.

"Your petitioner further sets forth that under date of July 15, 1939 notice was filed with the National Railroad Adjustment Board, Third Division, of its intention to file an ex parte submission for and in behalf of C. R. Collins in this matter; and that on the same day and date, a copy of this notice was served on Mr. B. H. Vroman, Assistant to the Vice President of the Pullman Company."

CARRIER'S STATEMENT OF FACTS: "C. R. Collins was porter on car MEREDITH COLLEGE, Line No. 2687, leaving New Orleans at 10:15

OPINION OF BOARD: The record discloses no violation of the requirements of the Agreement bearing upon discipline. The employe was not disciplined without a hearing, and he was notified in writing of the time and place of the hearing and of the specific charges preferred against him. At the hearing both the employe and his representative were given ample opportunity to present any facts or arguments pertinent to the charges. There are no rules specifying the types of evidence that must be submitted at the hearing, and the evidence adduced by the carrier under the circumstances of this case was not such as to detract from the fairness or impartiality of the hearing.

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

The facts of record disclose no adequate grounds for disturbing the disciplinary action of the Management.

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 May, 1940.