

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 G. Rollins who is now employed by the Pullman Company as a porter out of the Chicago Eastern District, because the Pullman Company did take disciplinary action against Porter Rollins by assessing the service record of Porter Rollins with a 'caution' on alleged charges of service derelictions on trip leaving Chicago, March 21, 1939 which charges are unproved; and further, because Porter Rollins 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 Rollins to be cleared of these alleged charges."

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

"Your petitioner further represents that in such capacity, it is duly authorized to represent G. Rollins who is now and for several years past has been employed by the Pullman Company as a porter operating out of the Chicago Eastern District.

"Your petitioner further submits that under date of May 9, 1939, Porter Rollins was charged with certain derelictions of duty in his capacity as a Pullman porter in connection with the trip where he was assigned to car 4080, Line 18½, Chicago to Los Angeles, March 21-24 which charges were denied by Porter Rollins.

"A hearing on the above mentioned charges was held May 11, 1939 after which on May 18, 1939, the record of Porter Rollins was assessed with a 'caution.'

"Your petitioner further sets forth that appeals were made in the instant case through the regular channels up to and including the Assistant to the Vice President of the Pullman Company, B. H. Vroman, last officer designated by the Management to handle matters of this sort, who under date of June 16, 1939 sustained the disciplinary action taken against Porter Rollins.

"The petitioner further sets forth that under date of July 15, 1939 it filed notice with the National Railroad Adjustment Board, Third Division, of its intention to file an ex parte submission in the instant case on August 14, 1939, and that copy of said notice was on the same day and date served on Mr. B. H. Vroman, Assistant to the Vice President of the Pullman Company."

"This Board has repeatedly held that, in the absence of clear abuse of discretion, it will not interfere with management in administering discipline to employees. No abuse of discretion is in evidence in this case." (Exhibits not included.)

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.