

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

THE BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "... for and in behalf of J. H. Rose who is now and for a number of years past has been employed by The Pullman Company as a porter operating out of the District of Pittsburgh, Pennsylvania, because The Pullman Company did, under date of August 15, 1939, assess the record of Porter Rose with a 'caution' on charges unproved; and further, because Porter Rose did not have a fair and impartial hearing because the charges presented against him in the hearing in this case were anonymous and unidentified; and further, for the record of Porter Rose to be cleared of the charges made against him and of the disciplinary action taken by virtue of such charges."

STATEMENT OF FACTS: J. H. Rose, employed by The Pullman Company as a porter, Pittsburgh District, was assigned to service as porter in Line 1377, Pittsburgh to Detroit, via P. & L. E., Erie and New York Central.

Rose was charged with certain derelictions of duty and violation of rules while in service on this assignment on July 18-19, 1939.

Hearing was held, following which Rose was formally notified that his record had been assessed with a "Caution."

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

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

That the facts of record disclose no grounds for disturbing the disciplinary 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 17th day of May, 1940.