

Award No. 1528

Docket No. PM-1562

**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 M. Berryman who was formerly employed as a porter by The Pullman Company, operating out of the district of Kansas City, Missouri. Because The Pullman Company did, under date of November 14, 1940, discharge M. Berryman from the service in said district on charges unproved. And further, because in discharging M. Berryman, The Pullman Company acted unjustly, arbitrarily and in abuse of its discretion. And further, for M. Berryman to be restored to his former position as a porter in the Kansas City, Missouri, district and to be paid for all the time lost by reason of said discharge."

STATEMENT OF FACTS: M. Berryman, employed by The Pullman Company as a porter, operating out of the Kansas City, Missouri District, was assigned to service as a porter on Car "Pocomoke," Line 164, leaving Kansas City on C. B. & Q. Train No. 43, July 30, 1940.

It was charged that Berryman conducted himself improperly on this trip, as well as in other instances.

Hearing was held, following which Berryman was formally notified of his discharge from Pullman service.

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 29th day of July, 1941.