

Award No. 1992
Docket No. PM-1937

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

Elwyn R. Shaw, Referee

PARTIES TO DISPUTE:

**BROTHERHOOD OF SLEEPING CAR PORTERS
THE PULLMAN COMPANY**

STATEMENT OF CLAIM: For and in behalf of T. Bernabe who is now, and for a numbers of years past has been employed by The Pullman Company as an Attendant operating out of the New York Central District of New York City, New York. Because The Pullman Company did, under date of December 5, 1941, discipline Attendant Bernabe by actually suspending him from service for thirty (30) days on charges unproved; which disciplinary action was unjust, unreasonable and in abuse of the Company's discretion. And further, for Attendant Bernabe's record to be cleared of the charges made against him and for him to be reimbursed for the thirty (30) days' pay lost by virtue of his having been so disciplined.

OPINION OF BOARD: In this case the employe was charged with failure to account for all supplies sold in his car, improperly altering a check covering a sale transaction, and on several occasions failing to comply with regulations in the matter of issuing checks or receipts covering sales made to passengers. The discipline administered was a suspension for 30 days and the relief asked for is to be reimbursed for 30 days lost pay.

The only evidence against Bernabe is a photostatic copy of an unsigned, unsworn statement of a Traveling Inspector which will be disregarded for the reasons stated in Award No. 1989.

There being no evidence in the record to sustain the discipline imposed the claim will be allowed.

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 there is no evidence to sustain discipline.

AWARD

Claim sustained.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 25th day of September, 1942.