

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

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

STATEMENT OF CLAIM: For and in behalf of W. Sharper 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 Dallas, Texas. Because The Pullman Company did, under date of June 4, 1942, take disciplinary action against Porter Sharper by suspending him from active service for a period of ninety (90) days, which action was taken upon charges unproved; said action in so disciplining Porter Sharper being unjust, unreasonable and in abuse of the company's discretion. And further, for the record of Porter Sharper to be cleared of the charges made against him and for him to be compensated for the 90 days' pay lost as a result of being disciplined on charges unproved and which were unjust, unreasonable and in abuse of the company's discretion.

OPINION OF BOARD: This record presents for decision only a question of fact. We think it clear that if the facts are as contended by the carrier, the discipline imposed cannot be held to be excessive.

The dispute centers around an altercation that took place on the station platform at Alexandria, Louisiana. As a result of this altercation Porter Sharper was arrested by the city authorities, charged with drunkenness and assault and battery, and convicted of both charges. The record is voluminous and nothing would be gained in stating the evidence, which is in sharp conflict. We have considered the entire record with care and can reach no conclusion other than that there is ample evidence to support findings to the effect that Porter Sharper had over-indulged in liquor, and that the trouble upon which this claim is based, was brought on by this porter's own acts and conduct.

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 discipline imposed should not be set aside or changed by this Division.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 15th day of November, 1943.