

Award No. 2368

Docket No. PM-2168

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, in an appeal from a decision, rendered by Assistant to the Vice President, B. H. Vroman, under date of June 30, 1942 on a complaint filed by the Brotherhood of Sleeping Car Porters charging The Pullman Company with having unjustly treated Porter W. Sharper in that Porter Sharper was attacked in Alexandria, Louisiana by Pullman Mechanic A. H. Meynier who was operating as an assignment clerk and causing the arrest of Porter Sharper in Alexandria, Louisiana; failing to accord him the minimum of protection the employe had a right to expect in an away-from-home station; and the failure of inspector Gilbert of Alexandria, Louisiana to furnish Porter Sharper with transportation after having been informed that Porter Sharper was ill. And further, that your Honorable Board rule that because of the matters set forth in this case The Pullman Company has treated Porter W. Sharper unjustly.

OPINION OF BOARD: The facts presented in this Docket are the same as the facts in Docket PM-2160, Award 2367. It is the contention of claimant that, in the light of the disclosed facts, Porter Sharper was unjustly treated by the Carrier. As in Docket PM-2160, so here, only a fact question is presented. The record is ample, in our opinion, to support findings adverse to claimant's contentions.

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 employes involved in this dispute are respectively carrier and employes 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 fails to sustain the claim of unjust treatment of Porter Sharper.

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.