

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Curtis G. Shake, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of C. J. Gaddie who was formerly employed by The Pullman Company as a porter operating out of the Agency of Indianapolis, Indiana. Because The Pullman Company did, under date of March 30, 1943, discharge Mr. Gaddie from his position as a porter on charges unproved; which action was unjust, unreasonable and in abuse of the company's discretion. And further, for Mr. Gaddie to be returned to his former position as a porter in the Indianapolis, Indiana Agency and for him to be reimbursed for all time lost as a result of this unreasonable and unjust discharge.

OPINION OF BOARD: The claimant was a Pullman porter on a troop train movement operating between Fort Benjamin Harrison, Indiana, and Miami, Florida. Enroute, a controversy arose between the train commander, who was an army lieutenant, and the claimant, as a consequence of which the latter was subsequently charged with exhibiting a discourteous and defiant attitude toward said officer and with violating his orders. The claimant was thereafter tried, found guilty and discharged.

We may pass over the origin of the difficulty and any consideration of whether the train commander's conduct was justified as immaterial to the present inquiry. The significant fact is that after the initial incident was closed the claimant, instead of carrying his alleged grievance to the conductor, unnecessarily sought out the officer and persisted in continuing the controversy until he was removed from the train. For this conduct we find no excuse or mitigating circumstances, and while the punishment inflicted was severe, we cannot say that there was any abuse of discretion. The Pullman Company has a right to demand that its porters exercise restraint and moderation, even when they are subjected to vexatious annoyances, as they no doubt frequently are. In the maintenance of this standard the public likewise has an interest.

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 employees involved in this dispute are respectively carrier and employees 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 supports the charge and there is no showing of an abuse of discretion.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 2nd day of August, 1944.