

Award No. 3179
Docket No. PM-3159

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Sidney St. F. Thaxter, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * * * for and in behalf of L. W. Robinson who was formerly employed by The Pullman Company as a porter operating out of the district of Omaha, Nebraska. Because The Pullman Company did, under date of April 21, 1945, discharge Mr. Robinson from his position as a porter in the Omaha, Nebraska, district on charges unproved; which action was unjust, unreasonable, arbitrary and in abuse of the Company's discretion.

And further because Mr. L. W. Robinson did not have a fair and impartial hearing as provided for in the agreement between The Pullman Company and the Porters, Attendants, Maids and Bus Boys employed by The Pullman Company in the United States of America and Canada, represented by the Brotherhood of Sleeping Car Porters.

And further, for Mr. L. W. Robinson to be returned to his position as a porter in the Omaha, Nebraska district and for him to be paid for all time lost as a result of this unjust and unreasonable action on the part of The Pullman Company.

OPINION OF BOARD: This is the case of another one of the porters involved in the difficulty discussed in Docket PM-3108, Award 3178. The facts are in no essential respect different. What was there said applies here and the decision must be the same.

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

We find that the claimant was not derelict in his duty, and that his leaving the train at Kemmerer was not voluntary on his part but was ordered by the carrier because of the demand of the train commander. Any disciplinary action was under the circumstances unwarranted.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 24th day of April, 1946.