

Award No. 3328
Docket No. PM-3249

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of M. Myres, 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 Kansas City, Mo.

Because The Pullman Company did assess the service record of Porter Myres with a warning on two occasions involving charges of alleged dereliction of duty on trip October 18-21, 1944, and on another trip of October 28-November 1, 1944, these disciplinary actions being based upon charges unproved; which action was unjust, unreasonable, arbitrary and in abuse of the Company's discretion.

And, further, for the record of Porter Myres to be cleared of the charges in the instant case and for the disciplinary actions (two warnings) to be expunged from his service record.

OPINION OF BOARD: The evidence of record discloses no grounds for disturbing the action of the carrier.

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 evidence of record discloses no grounds for disturbing the action of the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois this 19th day of November, 1946.