

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 St. Clair Orr, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the district of Spokane, Washington.

Because The Pullman Company did, under date of October 25, 1946, take disciplinary action against Porter Orr by giving him an actual suspension of twenty-eight (28) days, which action was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Porter Orr to be cleared of the charge in this case, and for him to be reimbursed for the twenty-eight days' pay lost as a result of this unjust and unreasonable action.

OPINION OF BOARD: The charge upon which the discipline was imposed in this case was that Porter Orr was insubordinate to Assistant Agent Hacket when he (Orr) refused to accept assignment to operate as porter on Line 698½ leaving Spokane, Washington, for Walla Walla, Washington, the evening of June 9, 1946. Claimant, in a statement dated July 7, 1946, admitted that he refused to accept the assignment. His refusal clearly constituted insubordination. Claimant should have accepted the assignment and, if he felt that he had been unjustly treated, should have exercised his right to a hearing under the rules of the Agreement.

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 considering all the pertinent facts and circumstances as disclosed in the record, we find no reason to disturb the action of the Carrier. The claim will be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 29th day of May, 1947.