

Award No. 3642
Docket No. PM-3731

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 J. Holmes who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the Pennsylvania Terminal District of New York, New York.

Because The Pullman Company did under date of November 16, 1946, take disciplinary action against J. Holmes by assessing his record with a warning on charges unproved; which action was unjust, unreasonable, and in abuse of the company's discretion.

And further, for the record of J. Holmes to be cleared of the charge in this case and for the penalty (a warning) to be expunged from his service record.

OPINION OF BOARD: The evidence of record in this case is not sufficient to support the contention of claimant that his record be cleared of the charge in this case and the disciplinary action of a warning be expunged therefrom.

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 under the facts and circumstances as disclosed by the record in this case we find no basis 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 7th day of August, 1947.