

Award No. 4329
Docket No. PM-4402

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 Augustus Irvin, who was formerly employed by The Pullman Company as a porter operating out of the Chicago Eastern District.

Because The Pullman Company did decline to give consideration to a grievance filed for and behalf of Augustus Irvin under date of July 9, 1948, charging unjust treatment of Augustus Irvin at the hands of Pullman Conductor V. P. Duffy, wherein Augustus Irvin was removed from his regular assignment at Barstow, California, which action was unjust and not warranted by any of the facts and circumstances surrounding the alleged incident.

And further, for this claim filed for and in behalf of Augustus Irvin, to be sustained, and for him to be reimbursed for all pay lost as a result of having been removed from his regular assignment at the instance of Pullman Conductor Duffy.

OPINION OF BOARD: A consideration of the entire record in this case fails to disclose any evidence supporting the claim.

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 Employee involved in this dispute are respectively Carrier and Employee 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 grounds for supporting the claim.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 1st day of March, 1949.