

Award No. 5336

Docket No. PM-5152

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF SLEEPING CAR PORTERS**

**THE PULLMAN COMPANY**

**STATEMENT OF CLAIM:** \* \* \* for and in behalf of L. G. Strickland, who was formerly employed by The Pullman Company as a porter operating out of the District of St. Louis, Missouri.

Because The Pullman Company did, under date of February 24, 1950, dismiss Mr. Strickland from his position as a porter in the aforementioned district wrongfully, unjustly, unreasonably, and in abuse of its discretion.

And further, because the incidents contained in the alleged charges, upon which this dismissal was based, were incidents over which The Pullman Company had absolutely no jurisdiction, the alleged occurrences having happened at a time when Mr. Strickland was off duty in his home town, and they were in no way connected with him as an employe of The Pullman Company in his performance of service in connection with Pullman sleeping, parlor, buffet, and club cars or composite cars owned and operated by The Pullman Company.

And further, the alleged incidents upon which this charge was predicated by The Pullman Company were subject to review, analysis, and decision by the legally constituted branch of the government of the State of Missouri, which is set up by the laws of said State to handle matters of this sort, after which L. G. Strickland was released of the custody of the constituted authorities under conditions which are tantamount to an exoneration.

And further, for L. G. Strickland to be returned to his position as a porter in the District of St. Louis, Missouri, with seniority and vacation rights unimpaired, and for him to be reimbursed for all pay lost as a result of this wrongful, unjust, and unreasonable action on the part of The Pullman Company.

**OPINION OF BOARD:** Based upon all the facts and circumstances in this particular case, the Board is not disposed to disturb 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 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: A. I. Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 20th day of April, 1951.