

Award No. 5337

Docket No. PM-5334

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 A. W. Jolly, who is now, and for a number of years past has been, employed by The Pullman Company as a porter operating out of Kansas City, Missouri.

Because The Pullman Company did take disciplinary action against Porter Jolly by giving him an actual suspension of eleven (11) days on charges unproved; which action was unjust, unreasonable, and in abuse of the Company's discretion.

And further, for the record of Porter Jolly to be cleared of the charges in the instant case, and for him to be reimbursed for the eleven (11) days pay lost as a result of this unjust and unreasonable action.

OPINION OF BOARD: The evidence of record in this case does not support the charges. Therefore claimant's record should be cleared of the charges and he should be compensated for the eleven (11) days lost as a result of the suspension.

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 the claim will be sustained in accordance with the Opinion.

AWARD

Claim sustained in accordance with the Opinion and Findings.

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.