

Award No. 5339
Docket No. PM-5336

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 L. S. England, who is now, and for many years past has been, employed by The Pullman Company as a porter operating out of Omaha, Nebraska.

Because The Pullman Company did, under date of June 21, 1950, take disciplinary action against L. S. England by assessing his record with a "Warning", which action was based upon charges unproved and was unjust, unreasonable, and in abuse of the Company's discretion.

And further for the record of L. S. England to be cleared of the charge in this case, and for the disciplinary action (a warning) to be expunged from his record.

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.