

Award No. 5534
Docket No. PM-5612

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. L. Miles, who is now, and for some time past has been, employed by The Pullman Company as a porter in the Chicago District Commissary.

Because The Pullman Company did under date of February 24, 1951, take disciplinary action against him by suspending him for four (4) round trips from his regular assignment in Line 5197 without pay on charges which were unproved.

And further, because in subjecting Attendant Miles to this penalty of four (4) round trips off, it was tantamount to a double penalty of two penalties for the same offense, which the Organization maintains is unjust, unfair, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Attendant Miles to be cleared of the charge in the instant case, and for him to be reimbursed for the four (4) round trips that he lost as a result of this unjust and unfair action.

OPINION OF BOARD: The evidence of record discloses no ground for disturbing 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 the evidence of record discloses no grounds 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 29th day of October, 1951.