

Award No. 5770

Docket No. PM-6061

**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. H. Gates, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the Chicago Southern District.*

Because The Pullman Company did, under date of November 7, 1951, take disciplinary action against Porter Gates by giving him an actual suspension of four (4) days without pay; which action was based upon charges unproved and was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Porter Gates to be cleared of the charges in this case, and for him to be compensated for the four (4) days' wages lost as a result of this unjust and unreasonable action.

OPINION OF BOARD: The facts and circumstances disclosed by the record do not warrant a sustaining award.

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 the action of the Carrier will not be disturbed.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

ATTEST: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 21st day of May, 1952.