

Award No. 5989  
Docket No. PM-6222

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 P. J. Avecilla, who is now, and for some time past has been, employed by The Pullman Company as an attendant operating out of the Chicago Commissary District.

Because The Pullman Company did, under date of February 29, 1952, take disciplinary action against Attendant Avecilla by giving him an actual suspension of four and one-half (4½) days in connection with charges preferred against him under date of February 13, 1952.

And further, because this penalty imposed upon Attendant Avecilla was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Attendant Avecilla to be cleared of the charge in the instant case, and for him to be reimbursed for the four and one-half (4½) days 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 Employes involved in this dispute are respectively Carrier and Employes 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  
Secretary

Dated at Chicago, Illinois, this 31st day of October, 1952.