

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 M. B. Scott, who was formerly employed by The Pullman Company as a porter operating out of the District of Los Angeles, California.

Because The Pullman Company did, under date of January 28, 1952, take disciplinary action against Mr. Scott by discharging him from the service, which action was taken upon charges unproved and was unjust, unreasonable, and in abuse of the Company's discretion.

And further, because Mr. Scott did not have a fair and impartial hearing because of the fact that he did not have an opportunity to face and cross examine the man complaining against him (an employe of the Company) in the hearing of this case.

And further, for Mr. Scott to be returned to his former position as a porter in the Los Angeles District with seniority rights and vacation rights unimpaired and with pay for all time lost as a result of this unjust and unreasonable action.

OPINION OF BOARD: The facts and circumstances disclosed by the record to 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 26th day of January, 1953.