

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

Because The Pullman Company did, under date of April 4, 1952, take disciplinary action against Porter Smith by giving him actual suspension of ten (10) days without pay; which action was based upon charges unproved and was unjust, unfair, and in abuse of the Company's discretion.

And further, because Porter Smith did not have a fair and impartial hearing as provided for under the rules of the Agreement covering the class of employees of which Porter Smith is a part.

And further, for the record of Porter Smith to be cleared of the charge in this case, and for him to be reimbursed for the ten (10) days' pay 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 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 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.