

Award No. 6371

Docket No. PM-6380

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

Dudley E. Whiting, Referee

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF SLEEPING CAR PORTERS**

**THE PULLMAN COMPANY**

**STATEMENT OF CLAIM:** \* \* \* for and in behalf of R. T. Carroll, who is now, and for some time past has been, employed by The Pullman Company as a bus boy operating out of the Chicago Commissary District.

Because The Pullman Company did, under date of June 27, 1952, take disciplinary action against Bus Boy Carroll by giving him an actual suspension of five (5) days; which action was based upon charge unproved, and was unjust, unreasonable, arbitrary and in abuse of the Company's discretion.

And further, for the record of Bus Boy Carroll to be cleared of the charge in this case, and for him to be reimbursed for the five (5) day's pay lost as a result of this unjust and unreasonable action.

**OPINION OF BOARD:** Whether the discipline imposed on the Claimant was proper depends upon an evaluation of conflicting statements by the Claimant and others present on the trip involved. Since we do not have facilities for evaluating conflicts in testimony and since there was evidence presented at the hearing from which one might say reasonably that the Claimant was guilty of the charge, the claim must be denied.

**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 Agreement was not violated.

**AWARD**

Claim denied.

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

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

**Dated at Chicago, Illinois, this 13th day of October, 1953.**