

Award No. 6569

Docket No. PM-6452

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Hubert Wyckoff, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of D. M. Ingram, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the Chicago Northern District.

Because The Pullman Company did, under date of June 26, 1952, take disciplinary action against Porter Ingram by assessing his record with a "Warning" on charges unproved; which action was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Porter Ingram to be cleared of the charge in the instant case, and for the disciplinary action (a Warning) to be expunged from his record.

OPINION OF BOARD: The charge is:

"You were asleep in Roomette 10 of your car at a time when you should have been on duty."

The record presents a square conflict between Claimant and a Service Supervisor with some circumstantial evidence corroborating the evidence of both of them.

We are unable to conclude upon the record that the Carrier's action, in resolving this conflict as it did, was unjust, unreasonable, arbitrary or an abuse of discretion.

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 Carrier's action should be allowed to stand.

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 April, 1954.