

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John Day Larkin, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY

STATEMENT OF CLAIM:

** * * for and in behalf of A. M. Harden, who is now, and for some years past has been, employed by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company as a porter operating out of Chicago, Illinois.*

Because the Chicago, Milwaukee, St. Paul & Pacific Railroad Company did, under date of September 7, 1954, take disciplinary action against Porter Harden by placing on his record the following notation:

"1. Responsible as porter assigned to Car K-18 on Train 18 arriving Chicago August 11, 1954, for taking rest not authorized by working itinerary, thereby absenting yourself from duty without proper authority.

2. Responsible for failure to perform all of your assigned duties."

Which action was based upon charges unproved, and was therefore unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further for the record of Porter Harden to be cleared of the charge in this case, and for the items above referred to as 1 and 2 to be expunged from his service record.

OPINION OF BOARD: The facts of this case are simple and undisputed. At the time in question, Claimant Harden was assigned to Trains 17 and 18, operating from Chicago to Tacoma, Washington and return. These trains carried but one tourist sleeper and the porter in charge was the only sleeping car employe on the train. Porters on this run were entitled to a rest period from 12:00 Midnight to 4:00 A.M. However, an arbitrary allowance of two hours' pay was made as compensation for any necessary calls the porter might be required to make during his rest period.

The record indicates that Porter Harden had approximately eleven and one-half years' of service with the Carrier prior to this incident. And it fails to disclose any previous disciplinary action. Claimant insists that he set his alarm clock to awaken him at 5:00 A.M., but for some reason it failed to disturb his sleep.

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 this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

AWARD

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

Dated at Chicago, Illinois, this 4th day of April, 1957.

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