

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Martin I. Rose, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: “* * * for and in behalf of A. J. Maddox, who is now, and for some time past has been employed by The Pullman Company as a porter operating out of the Chicago Eastern District.

Because The Pullman Company did, under date of September 25, 1956, take disciplinary action against Porter Maddox by assessing his record with a ‘Warning’, said penalty being imposed as a result of charges which were unproved.

Further because the charges made against Porter Maddox were not proved beyond a reasonable doubt as provided for in Rule 49 of the Agreement covering the class of employes of which Porter Maddox is a part.

And further, for Porter Maddox’s record to be cleared of the charge in the instant case, and for the penalty (a warning) to be expunged from his service record.”

OPINION OF BOARD: Like in Award 9493, there is conflict between the parties concerning whether or not the charges against Claimant were proved beyond a reasonable doubt. Here again, however, we find that the record contains substantial, credible and competent evidence to support Carrier’s action and no interference by the Division is warranted in this case.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived hearing on this dispute;

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1960.