

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 F. D. Page, 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 May 31, 1956, take disciplinary action against Porter Page by assessing his record with 'A Warning'.

And further, because the charge made against Porter Page and upon which he was penalized, as stated, was not proved beyond a reasonable doubt as is required by the rules of the Agreement between The Pullman Company and Porters, Attendants, Maids and Bus Boys employed by The Pullman Company, represented by the Brotherhood of Sleeping Car Porters.

And further, for the record of Porter Page in this case to be cleared of the charge in this case, and for the disciplinary action 'A Warning' to be expunged from his service record."

OPINION OF BOARD: In view of the facts and circumstances in this particular case, and without construing the rules of agreement relied upon by the parties as they might apply to any other case, this claim will be sustained.

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 claim should be sustained in accordance with Opinion.

AWARD

Claim sustained in accordance with Opinion and Findings.

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.