

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Frank Elkouri, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS
(For and in Behalf of S. Wade)

THE PULLMAN COMPANY

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

Because The Pullman Company did, under date of January 30, 1957, through its Superintendent L. L. Schwarz, take disciplinary action against Porter Wade by suspending him from the service for one (1) round trip in his regular assignment in Line 198.

And further, because the action taken against Porter Wade was based upon a charge which was unproved. And further because the Company penalized this employe in violation of the Agreement in that (1) he did not have a fair and impartial hearing, (2) the charge was not proved beyond a reasonable doubt, and (3) evidence was presented in the hearing which was not germane or relevant to the charge made against the employe, all of which was in violation of the rules of the above-mentioned Agreement governing the class of employes of which Porter Wade is a part.

And further, for the record of Porter Wade to be cleared of the charge in this case, and for him to be reimbursed for the money lost as a result of having been suspended for one (1) round trip in his regular assignment in Line 198.

OPINION OF BOARD: In the present case the Claimant admitted the misconduct with which he was charged. He was given a fair hearing by the Carrier and there is no basis in the Record before this Board for concluding that the penalty of suspension for one round trip was unreasonable or too severe.

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 Employee involved in this dispute are respectively Carrier and Employee 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 discipline assessed by the Carrier should not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 4th day of August, 1960.