

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Thomas C. Begley, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of B. M. Mills, who is now, and for some years past has been, employed by The Pullman Company as an attendant operating out of the Chicago Commissary District.

Because The Pullman Company did, under date of August 13, 1957, take disciplinary action against Attendant Mills by assessing his record with a "Warning," which action was based upon charges which were unproved.

And further, because the charges upon which the disciplinary action was based were not proved beyond a reasonable doubt as provided for in the Agreement between The Pullman Company and Porters, Attendants, Maids and Bus Boys employed by The Pullman Company in the United States of America and Canada.

And further, for the record of Attendant Mills to be cleared of the charge in the instant case and for the disciplinary action (a Warning) taken against him to be expunged from his service record.

OPINION OF BOARD: This Board will not substitute its judgment for the judgment of the Carrier in view of the evidence disclosed in the submissions. The warning placed by the Carrier on this Claimant's personnel record was justified.

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 31st day of January 1962.