

Award No. 11678

Docket No. PM-13697

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Charles W. Webster, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: . . . for and in behalf of R. E. Jones, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of St. Louis, Missouri.

Because The Pullman Company did, under date of June 8, 1962, take disciplinary action against Mr. Jones by suspending him from the service for a period of fifteen (15) days allegedly for having the odor of intoxicants on his breath after reporting for duty in St. Louis on May 14, 1962.

And, further, because the charge against Porter Jones was not proved beyond a reasonable doubt as provided for under the rules of the Agreement governing the class of employes of which Porter Jones is a part, and such action in so disciplining him was unjust, arbitrary, unreasonable, and in abuse of the Company's discretion.

And, further, for the record of Porter Jones to be cleared of the charge in this case and for him to be reimbursed for the fifteen (15) days' pay lost as a result of this unjust and unreasonable action.

OPINION OF BOARD: The record in this case shows that the evidence presented by the Carrier in this case satisfies the standard of proof beyond a reasonable doubt. Award 10507. The punishment was not excessive and therefore a denial award is in order.

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 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 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 8th day of August 1963.