

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

**BROTHERHOOD OF SLEEPING CAR PORTERS
THE PULLMAN COMPANY**

STATEMENT OF CLAIM: "For and in behalf of Wesley B. McCulloch, who was formerly employed as an attendant by The Pullman Company, operating out of the Chicago District Commissary because of the discharge of Wesley B. McCulloch, from the services of The Pullman Company in said Commissary District, unjustly and without sufficient reason, on March 11th, 1938, and for the restoration of Wesley B. McCulloch to his former position as an attendant in the Chicago District Commissary, without loss of seniority rights, and with pay for all time lost by Wesley B. McCulloch by reason of such discharge."

STATEMENT OF FACTS: Wesley B. McCulloch, employed by the Pullman Company as an attendant, Chicago District Commissary, was assigned to service as an attendant, also performing the duties of porter, on sleeping lounge car Omaha Club in service from Chicago to Omaha on C. R. I. & P. Ry. trains Nos. 43-23, November 7-8, 1937.

A passenger who occupied accommodations in car Omaha Club reported improper conduct on the part of Attendant McCulloch en route from Chicago to Omaha, November 7-8, 1937.

Hearing was held, following which McCulloch was formally notified of his discharge from Pullman service.

Appeals were accorded in compliance with the provisions of the Agreement, effective October 1, 1937.

OPINION OF BOARD: The evidence of record supports and justifies the action of the Carrier in dispensing with McCulloch's service.

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 employe involved in this dispute are respectively carrier and employe 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 evidence of record discloses no grounds for disturbing the action of the carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 10th day of August, 1938.