

**Award No. 742**

**Docket No. PM-752**

**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 A. Davis who was formerly employed by The Pullman Company as a Sleeping Car Porter operating out of the Chicago Eastern District. Because of the discharge of A. Davis, unjustly and without sufficient reason on April 16, 1938, and for the restoration of A. Davis to his former position as a Sleeping Car Porter in the Chicago Eastern District, without loss of seniority rights and with pay for all time lost by A. Davis by reason of such discharge."

**STATEMENT OF FACTS:** A. Davis, employed by The Pullman Company as a porter, Chicago Eastern District, on March 31, 1938 was assigned to duty on extra car Myrtus, in Line 280, from Chicago to French Lick Springs. He reported at the Dearborn Street Station, Chicago, for duty about 7:45 P. M., March 31, and shortly thereafter Pullman Company officials observed he was not in condition for service, whereupon he was relieved from duty and instructed to report to the Superintendent's office the following morning.

He was accorded a hearing on April 7, 1938, following which he was dismissed from service April 16, 1938. Appeal was accorded in accordance with the provisions of the Agreement, effective October 1, 1937.

**OPINION OF BOARD:** The evidence of record discloses no grounds for disturbing the action of the carrier.

**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 13th day of October, 1938.