

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 Porter J. T. Lowe who is now employed by The Pullman Company in the District of New Orleans, Louisiana. Because the Pullman Company did on May 20, 1938, discipline Porter J. T. Lowe unjustly and without sufficient reason by assessing his record with actual suspension of two round trips and also for the payment of wages lost by Porter J. T. Lowe because of the above mentioned suspension."

EMPLOYEES' STATEMENT OF FACTS: "Your Petitioner, the Brotherhood of Sleeping Car Porters, respectfully submits that it is the duly authorized and designated representative of all Porters, Attendants and Maids in the employ of The Pullman Company, under the provisions of the Railway Labor Act.

"Your Petitioner further represents that in such capacity it is the duly authorized representative of Porter J. T. Lowe who is at the present time, and for a number of years has been employed by The Pullman Company as a porter out of the district of New Orleans, Louisiana.

"Your Petitioner further represents that Porter J. T. Lowe was operating in line No. 2605 between New Orleans, Louisiana and Washington, D. C., over the Southern Railroad.

"Your Petitioner further represents that while making one of his regular trips on that line leaving New Orleans March 24, 1938, and arriving at Washington, March 25, 1938, that just before leaving Charlotte, North Carolina a Red Cap came running to the train with a man passenger for a berth in Porter Lowe's car, and that Porter Lowe assisted the passenger to board the train, and the Red Cap carried his bags into the car and got off of the train while it was moving very slowly.

"Your Petitioner further represents that Mr. Adams, the Pullman conductor on the above mentioned trip, was standing on the platform when the Red Cap jumped off the train.

"Your Petitioner further represents that some time later on this trip, to wit at Salisbury, North Carolina, the Pullman conductor, Mr. Adams, approached Porter Lowe and asked him why he didn't close the door at Charlotte, as he (Conductor Adams) had told him to do. And that Porter Lowe replied that he (the conductor) did not tell him to close the door, whereupon Conductor Adams became very angry, calling the porter a dam liar and other names, and struck Porter Lowe in the face with the back of his hand.

round trips,' and that he is not entitled to 'payment of wages lost * * * because of the above mentioned suspension,' as claimed by the petitioner. His petition should be denied."

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 29th day of November, 1938.