

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 D. B. Pascual who is now employed by the Pullman Company as an attendant operating out of the Chicago District Commissary. Because the Pullman Company did, under date of February 11, 1939, penalize Attendant Pascual by assessing his record with a 'warning' on alleged charges which are unproved and made by alleged persons unidentified, and because the penalty is unjust and unreasonable and was assessed without Attendant Pascual being given a fair and impartial hearing, and further, for the record of Attendant Pascual to be cleared of the alleged charges and penalty exacted by virtue thereof."

STATEMENT OF FACTS: D. B. Pascual, employed by the Pullman Company as an attendant, Chicago District Commissary, was assigned to service as attendant in charge on Line 1225, Chicago to Hornell, via the Erie Railroad.

While in service on this assignment in December 1938 and January 1939, Pascual was charged with failure to comply with Carrier's rules and regulations and to properly supervise his crew.

Hearing was held, following which Pascual was formally notified his record had been assessed with a "warning."

Appeals were accorded in compliance 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 2nd day of October, 1939.