

Award No. 1087

Docket No. PM-1164

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

THE BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: "... for and in behalf of Hale Bailey, who is now and for a number of years past has been employed by the Pullman Company as a porter operating out of the New York Central District of New York City, New York, because the Pullman Company did under date of September 29, 1939 take disciplinary action against Porter Bailey by assessing his record with a reprimand, which action was unjust and unreasonable; and because the charges upon which the disciplinary action was taken were unproved; and further, for the record of Porter Hale Bailey to be cleared of the charges made and of the disciplinary action taken as a result of said charges."

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 subsequent to conclusion of the hearing the Secretary of the Third Division was advised by the Carrier that the "reprimand" assessed against Porter Bailey's record had been expunged. The cause of the complaint having disappeared, the claim is dismissed.

AWARD

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 17th day of May, 1940.

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