

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 C. Scott, who is now and for a number of years past has been employed as an attendant by The Pullman Company operating out of the New York Central District of New York City, because the Pullman Company did under date of October 27, 1939, discipline Porter Scott by penalizing him with an actual suspension of ten (10) days, unjustly and without sufficient reason, on a charge unproved; and further, for the record of Porter Scott to be cleared of the charge made against him and paid for the ten (10) days lost by virtue of the disciplinary action taken as a result of such charge."

STATEMENT OF FACTS: C. Scott, employed by The Pullman Company as an attendant, New York District, had the status on September 1 and 2, 1939 of an extra man, or an employe without regular assignment.

On September 1, 1939, attendant-cook assigned to Line 1637, New York to Lake Placid and return, reported physically unable for duty morning of September 2, 1939.

On arrival at New York at 7:30 P. M., September 1, 1939, Scott was notified of his assignment to fill temporary vacancy as attendant-cook in Line 1637, morning of September 2. Scott declined the assignment and subsequently contended his refusal was based on physical disability.

Hearing was held, following which Scott was formally notified that he would be suspended ten days for refusing the assignment of September 2, 1939.

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 17th day of May, 1940.