

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 J. W. Moore, who is now and for a number of years past has been employed by The Pullman Company as a porter operating out of the District of Houston, Texas, because The Pullman Company did, under date of March 25, 1940, take disciplinary action against Porter Moore on charges unproved; and further, because The Pullman Company, in taking such action, abused its discretion, acted arbitrarily and in bad faith, used unfair methods in connection with the hearing held in this case and in taking the disciplinary action exacted on Porter Moore as a result of said hearing; and further, for the record of Porter Moore to be cleared of the charges made against him and of the disciplinary action taken as a result thereof."

STATEMENT OF FACTS: J. W. Moore was the porter on car TWIN STAR, Line No. 3730, M. P. trains Nos. 17-7, T. & P. train No. 207, I. & G. N. trains Nos. 7-27, St. Louis to Houston, December 30, 1939-January 1, 1940. A passenger service inspector, who was a passenger on car TWIN STAR from St. Louis to Little Rock, December 30-31, 1939, reported Moore for the following derelictions:

- 1) failing to mention destination of car when receiving passengers at St. Louis;
- 2) standing on seat arms in preparing S. O. S. No. 9, instead of employing small step ladder;
- 3) failing to prepare S. O. S. No. 9 with convertible support;
- 4) failing to install section safety guard cords in S. O. S. No. 9;
- 5) failing to inquire if occupant of S. O. S. No. 9 desired the light-excluding canopy;
- 6) brushing off passengers in the aisle of car; and
- 7) using a whisk broom instead of a hat brush on passengers' hats in two instances.

After a hearing before District Superintendent W. H. Irwin of the Houston District, Moore's record was assessed with a "reprimand" and that action sustained following appeals 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 29th day of November, 1940.