

Award No. 1242  
Docket No. PM-1348

**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 F. S. Randolph, who is now and for a number of years 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 April 1, 1940, penalize porter Randolph with an actual suspension of fifteen days as a result of charges preferred against porter Randolph, which penalty was unjust and unreasonable; and further, because in so penalizing porter Randolph with fifteen days actual suspension on said charge the Pullman Company acted unfairly, arbitrarily and in abuse of its discretion; and further, for the record of porter Randolph to be cleared of the charges made against him and for him to be reimbursed for the pay loss as a result of the said fifteen days suspension."

**STATEMENT OF FACTS:** F. S. Randolph, New York District, was the porter operating in charge on car NOANK, Line No. 1470, N. Y. N. H. & H. R. R. train No. 24, from New York to Boston, December 12, 1939. On this trip Randolph admittedly failed to collect either a Pullman ticket or a cash fare from at least one passenger who rode in car NOANK from Providence to Boston. Randolph admittedly failed to show on the car diagram, Form "A," that a passenger had made a trip from Providence to Boston. Randolph also admits that he refused to accept a passenger's offer of payment for Pullman accommodations occupied from Providence to Boston.

Porter Randolph was accorded a hearing upon the conclusion of which he was assessed the discipline from which relief is sought by this claim.

**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.