

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Herbert B. Rudolph, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: For and in behalf of F. Hall, 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 New Orleans, Louisiana. Because The Pullman Company did, under date of June 22, 1942, discipline Porter Hall by giving him an actual suspension of thirty (30) days on charges unproved; which action of discipline was unjust, unreasonable and in abuse of the company's discretion. And further, for the record of Porter Hall to be cleared of the disciplinary action taken against him and for him to be reimbursed for the thirty days pay lost as a result of this unjust and unreasonable action.

OPINION OF BOARD: This dispute arises out of an alleged condition existing at Alexandria, La., and reflected somewhat in Dockets PM-2160 and PM-2168, Awards 2367 and 2368. Claimant contends that the alleged condition was the fault of the officials and was responsible for the acts of Porter Hall, for which the discipline now protested was administered. Even conceding the conditions to be such as claimant contends, such conditions would not justify Porter Hall making the trip to New Orleans without proper transportation or entering this unauthorized trip on his time sheet, and accepting payment for such trip.

The evidence is in dispute on whether Porter Hall notified the officials at Alexandria that he was ill. After a careful consideration of the record we are not disposed to disturb the finding made on this issue.

It is apparent from the record that abnormal conditions prevail at Alexandria due to war time problems. These problems, of course, must be met by management which is charged with the responsibility of providing the necessary service. Management must be allowed a reasonable discretion in meeting these problems, and unless it acts in an arbitrary or capricious manner, this Division should not interfere. In view of the fact that the evidence is in conflict on the question of whether Porter Hall notified the officials at Alexandria that he was ill, and in view of Porter Hall's subsequent admitted acts of making the trip to New Orleans without transportation and entering this unauthorized trip on his time sheet, we cannot hold that the Carrier acted either arbitrarily or capriciously in suspending Porter Hall for thirty days.

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 discipline imposed should stand.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 15th day of November, 1943.