

Award No. 2400  
Docket No. PM-2392

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 Henry Spears 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 St. Louis, Missouri. Because The Pullman Company did, under date of November 18, 1942, take disciplinary action against said Henry Spears by assessing his record with a "warning" on charges unproved. And further, because Henry Spears did not have a fair and impartial hearing because The Pullman Company refused to identify and produce for cross examination the party alleged to have made the complaint. And further, for the record of Henry Spears to be cleared of the charge and for the disciplinary action taken against him be expunged from his record.

**FINDINGS:** The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That no hearing thereon has been held, and under date of November 20, 1943, the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing this case which request is hereby granted.

**AWARD**

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 24th day of November, 1943.

[687]