

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Sidney St. F. Thaxter, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: For and in behalf of L. Morgan 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 San Antonio, Texas. Because The Pullman Company did, under date of December 12, 1942, discipline Porter Morgan by giving him a penalty of nine (9) days actual suspension on charges unproved; which disciplinary action was unjust, unreasonable and in abuse of the company's discretion. And further for Porter Morgan to have his record cleared of the charges made against him and to be reimbursed for the nine days pay lost by reason of this unjust and unreasonable disciplinary action.

OPINION OF BOARD: We have here exactly the same problem as was considered in Docket 2206, Award 2499. For the reasons there given this claim must be sustained.

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 employes involved in this dispute are respectively carrier and employes 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 claim must be sustained.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 10th day of March, 1944.