

Award No. 2877

Docket No. PM-2858

**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 P. A. Mendoza who is now, and for a number of years past has been, employed by The Pullman Company as an attendant operating out of the Chicago District Commissary. Because The Pullman Company did, under date of March 25, 1944, take disciplinary action against Attendant Mendoza by assessing his record with a caution on charges unproved. And further, because Attendant Mendoza did not have a fair and impartial hearing by reason of the fact that the evidence submitted against Attendant Mendoza was unidentified and that the Management refused to produce the individual alleged to have gathered the evidence against Attendant Mendoza that he (Mendoza or his representative) might have an opportunity to confront him and cross examine him. And further, for the record of Attendant Mendoza to be cleared of the charge made against him in the instant case and for the disciplinary action of a caution to be removed 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 no hearing thereon has been held, and under date of March 15, 1945, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of 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 23rd day of March, 1945.

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