

Award No. 2898
Docket No. PM-2964

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

James M. Douglas, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of R. B. Johnson, who is now and for a number of years past has been employed by The Pullman Company as a porter operating out of the Chicago Central district of Chicago, Illinois.

Because The Pullman Company did, under date of October 17, 1944, take disciplinary action against R. B. Johnson by giving him an actual suspension of ten days, on charges unproved, which action was unjust, unreasonable, arbitrary and in abuse of the company's discretion.

And further for the record of R. B. Johnson to be cleared of the charges in the instant case and for him to be reimbursed for the ten days' pay lost because of this unjust and unreasonable action.

OPINION OF BOARD: Petitioner, Porter Johnson, was charged with failing to report for an assignment at the hour designated and with being under the influence of liquor when he reported later. He was suspended for ten days.

Petitioner admits he reported late but claims he had not been drinking.

The statement of the District Superintendent states Petitioner "apparently was under the influence of liquor." The Assistant District Superintendent stated Petitioner had the odor of liquor on his breath.

In Awards 1987, 2498 and 2769 this Division ruled similar evidence was sufficient. We adhere to those rulings.

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 Employees involved in this dispute are respectively carrier and employees 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 proof of the charge was sufficient.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 25th day of April, 1945.