

Award No. 3209

Docket No. PM 3273

**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 W. M. Kato who is now and for a number of years past has been employed by The Pullman Company as a porter operating out of the Pennsylvania Terminal District of New York City, New York.

Because The Pullman Company did, under date of August 15, 1945, take disciplinary action against Porter Kato by assessing his record with a Warning on charges unproved; which action was unjust, unreasonable and in abuse of the Company's discretion.

And further, for the record of Porter Kato to be cleared of the charges in the instant case and for the disciplinary action of a Warning to be expunged from his record.

OPINION OF BOARD: The evidence of record discloses no grounds for disturbing the action of the carrier.

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 employee involved in this dispute are respectively carrier and employee 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 evidence of record discloses no grounds for disturbing the action of the carrier.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

**ATTEST: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 16th day of May, 1946.