

Award No. 3546

Docket No. PM-3601

**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 Ben Stewart who is now, and for some 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 April 9, 1946, take disciplinary action against Attendant Stewart 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 Attendant Stewart 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: This porter was charged with failure to follow instructions in reporting for an assignment at Chicago, January 7, 1946.

The record indicates the possibility of misunderstanding with respect to the use of a substitute car in the line to which claimant was regularly assigned. Under the facts and circumstances of this case the "Warning" placed on claimant's record should be removed.

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 employe involved in this dispute are respectively carrier and employe 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 "Warning" will be removed.

AWARD

Claim sustained in accordance with Opinion and Findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson,
Secretary

Dated at Chicago, Illinois this 20th day of May, 1947.