

Award No. 4213
Docket No. CL-4257

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

UNITED TRANSPORT SERVICE EMPLOYES

PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: This claim is filed for and in behalf of J. A. Clarke and William Williams who were formerly employed by the Pennsylvania Railroad Company as Station Porters at the Pennsylvania Railroad Station in New York, New York. Messrs. Clarke and Williams were dismissed from the service as a result of investigations held on December 17, 1947 during the course of which the charges against them were not proved.

We allege that the discipline administered was unjust, and in abuse of Carrier's discretion.

Therefore, we ask that Messrs. Clarke and Williams be restored to service with seniority rights unimpaired and reimbursed for all time lost as a result of Carrier's arbitrary action.

OPINION OF BOARD: Based upon all of the facts and circumstances of this particular case, the Board is not disposed to disturb 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 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 Board finds no reason for disturbing the action of the Carrier.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. I. Tummon
Acting Secretary

Dated at Chicago, Illinois, this 3rd day of December, 1948.