

Award No. 5216

Docket No. PM-5273

**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. W. Chisholm, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the New York Central District in New York City, New York.

Because The Pullman Company did, under date of March 22, 1950, take disciplinary action against Porter Chisholm by assessing his record with a "Warning". This disciplinary action was taken upon charges unproved; which action was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Porter Chisholm to be cleared of the charge in this case, and for the disciplinary action (a warning) to be expunged from his service record.

OPINION OF BOARD: Based upon all the facts and circumstances in 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 under the facts and circumstances as disclosed by the record in this case we find no basis 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 7th day of February, 1951.