

Award No. 5738
Docket No. PM-5969

**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. C. Jenkins, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the Chicago Eastern District.

Because The Pullman Company did, under date of September 27, 1951, take disciplinary action against Porter Jenkins and assessed his service record with a "Warning"; which action was based upon charges unproved and was unjust, unfair, arbitrary, and in abuse of the Company's discretion.

And further, because Porter Jenkins did not have a fair and impartial hearing.

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

OPINION OF BOARD: The facts and circumstances disclosed by the record do not warrant a sustaining award.

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 action of the Carrier will not be disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A. Ivan Tummon
Acting Secretary

Dated at Chicago, Illinois, this 25th day of April, 1952.