

Award No. 5742

Docket No. PM-5685

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

John W. Yeager, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of F. Brown, who is now, and for some years past has been, employed by The Pullman Company as a porter operating out of the Chicago Northern District.

Because The Pullman Company did, under date of April 12, 1951, take disciplinary action against Porter Brown by giving him an actual suspension from service of five (5) days on charges unproved; which action was unjust, unreasonable, arbitrary and in abuse of the Company's discretion.

And further, for the record of Porter Brown to be cleared of the charge in the instant case, and for him to be reimbursed for the five (5) days pay lost as a result of this unreasonable action.

OPINION OF BOARD: This is a companion docket to Docket PM-5674, Award 5741. The controlling facts are identical. The only difference is in the name of the person in whose behalf the claim is presented. What has been said in the Opinion therein is applicable here, and is adopted for all purposes as the Opinion herein.

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

The claim has not been sustained.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

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

Dated at Chicago, Illinois, this 1st day of May, 1952.

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