

Award No. 5744

Docket No. PM-5850

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 U. Coleman, who is now, and for some time 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 May 31, 1951, render a decision in which Porter Coleman's record was assessed with a "Warning," which action was taken on charges unproved and was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Porter Coleman to be cleared of the charge in this particular case, and for the penalty (a warning) to be expunged from his record.

OPINION OF BOARD: The record of the claimant, U. Coleman, a Pullman porter, was assessed a "Warning" by the Carrier on account of alleged discourteous treatment of a passenger occupying a roomette whose baggage the porter had removed without permission of the passenger.

A hearing was had which was attended by the porter. He gave his testimony as to what occurred. A written statement of his with regard to the occurrence was also introduced. There is nothing in either the oral testimony or the written statement which tends to support the charge of discourteous treatment.

The only other evidence to sustain the charge is a letter addressed to the District Superintendent of the Pullman Company at Seattle, Washington bearing the signature "Harry C. Clemons," with address noted thereon, 4076 24th Place South, Seattle 8, Washington.

This evidence which stands without corroborating fact or circumstance is not sufficient to sustain the charge.

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 record sustains the claim.

AWARD

Claim sustained.

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.