

Award No. 5771
Docket No. PM-6062

**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 O. Smith, who is now, and for some time past has been, employed by The Pullman Company as an attendant operating out of the Chicago Commissary.

Because The Pullman Company did, under date of November 6, 1951, take disciplinary action against Attendant Smith and assessed his service record with a "Warning"; which action was based upon charge unproved and was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

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

OPINION OF BOARD: While the record contains conflicts, it does not necessarily absolve Claimant of guilt of the charges.

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 Employes involved in this dispute are respectively Carrier and Employes 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, in view of circumstances in this particular case, claim will be sustained not to be cited as a precedent.

AWARD

Claim sustained in conformity with the Opinion and Findings herein.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division**

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

Dated at Chicago, Illinois, this 21st day of May, 1952.