

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

Paul G. Jasper, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of R. R. Ricks, who is now, and for some time has been, employed by The Pullman Company as an attendant operating out of the New York District.

Because The Pullman Company did, under date of July 3, 1951, take disciplinary action against Attendant Ricks by giving him an actual suspension of seven (7) days, which action was unjust, unfair, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further, for the record of Attendant Ricks to be cleared of the charge in the instant case, and for him to be reimbursed for the seven (7) days' pay lost as a result of having been suspended from the service.

OPINION OF BOARD: This is a discipline case. Claimant was attendant in charge of car Stag Hound, Line No. 5481, New York City to White River Junction, Vermont, and return March 13-16, 1951. A commissary officer of the company in New York boarded the car to which Ricks was assigned for the purpose of an inspection. In checking the ice box the inspector found wrapped in brown paper a slice of ham and approximately a half pound of hamburger. Ricks admitted the meat belonged to him, and that he had brought it aboard for his lunch and breakfast. The commissary officer confiscated the meat under authority of Commissary Instruction Book, Page 11, which states:

"Under no circumstances should private stores be carried in the car, and any contraband goods found will be confiscated, investigation conducted, and the employe called upon for explanation.

The crews of buffet cars may purchase for their own consumption, as per crew rates, any of the food items listed on menu. No supplies should be cooked in buffet for train or Pullman crews other than those supplied by commissary which are crew rated."

The last cited instructions are unambiguous in their meaning. The ham was identified as of the size issued by the commissary. Both the ham and hamburger could be used for resale. The mere possession of the meat aboard the train was a violation of the instructions. See definition of "contraband", Webster's Dictionary.

Upon hearing, Ricks was found to have violated the instructions and was suspended for two round trips, effective July 4, 1951, to report for

work July 11, 1951. There is ample evidence of probative value to support the charge.

The evidence revealed Ricks had on a previous occasion been warned when steaks belonging to him were found in his car. After considering all the facts in this claim, we conclude the Carrier was justified in its action and the discipline imposed. The discipline was neither unreasonable, arbitrary or capricious and was not an abuse of discretion.

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 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 18th day of July, 1952.