

Award No. 5988

Docket No. PM-6108

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 A. C. Virgil, who was formerly employed by The Pullman Company as a porter operating out of the District of St. Louis, Missouri.

Because The Pullman Company did, under date of November 28, 1951, take disciplinary action against Porter Virgil by dismissing him from the service, which action was based upon charges unproved and was unjust, unreasonable, arbitrary, and in abuse of the Company's discretion.

And further because Porter Virgil did not have a fair and impartial hearing as provided for in the rules of the Agreement between The Pullman Company and the Porters, Attendants, Maids, and Bus Boys employed by The Pullman Company, represented by the Brotherhood of Sleeping Car Porters.

And further, for Porter Virgil to be returned to his former position in the St. Louis District with seniority rights and vacation rights unimpaired, and with pay for all time lost as a result of this unjust and unreasonable action.

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
Secretary

Dated at Chicago, Illinois, this 31st day of October, 1952.