

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

**CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC
RAILROAD COMPANY**

STATEMENT OF CLAIM: * * * for and in behalf of Robert Cox, who is now, and for some time past has been, employed by the Chicago, Milwaukee, St. Paul & Pacific Railroad Company as a porter operating out of Chicago, Illinois.

Because the Chicago, Milwaukee, St. Paul & Pacific Railroad Company did, under date of May 11, 1953, exact a penalty against Porter Cox by placing on his record a statement that he was responsible for the following alleged derelictions of duty:

1. Responsible for insubordinate and arrogant conduct in the performance of your assigned duties;
2. Responsible for disregarding requirements and comfort of passengers in your car by putting berths away at irregular hours; and
3. Responsible for disregarding sleeping car conductor's instructions to make down space prior to arrival at Spokane, and Aberdeen on the eastbound trip.

And further because the disciplinary action taken in placing the above-mentioned items on Porter Cox's record was based upon charges which were not proved, and therefore such action was unjust, unreasonable, and in abuse of the Company's discretion.

And further, for the record of Porter Cox to be cleared of the charges in this case, and for the items placed against his record to be removed from same.

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 26th day of April, 1954.