

Award No. 6777
Docket No. PM-7016

NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS
CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD
COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of Section Harper, who is presently employed by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company as a porter operating out of Chicago, Illinois.

Because the Chicago, Milwaukee, St. Paul and Pacific Railroad Company did, through Mr. M. P. Ayars, Superintendent, Sleeping and Dining Car Department, on or about the 28th day of September, 1953, illegally discharge Section Harper from the service, terminating his services, without complying with the rules of the Agreement governing the class of employees of which Section Harper is a part which provide specifically that an employee is not to be disciplined, suspended or discharged without a hearing:

Further, because Mr. C. P. Downing, Assistant to Vice President and last officer designated by the Management to handle disputes of this sort, rendered a decision returning Section Harper to his former position as a porter for the Chicago, Milwaukee, St. Paul and Pacific Railroad Company but denied that part of the claim in which the Organization contended that Section Harper should not only be returned to the service because of having been illegally discharged but also should be paid for all time lost as a result thereof.

And further, for Section Harper to be paid for all time that was lost as a result of him having been illegally discharged or from September 28, 1953 to December 29, 1953.

OPINION OF BOARD: The record herein discloses no reason to disturb the action of the Carrier.

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 is not disturbed.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: (Sgd.) A Ivan Tummon
Secretary

Dated at Chicago, Illinois, this 11th day of October, 1954.