

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

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PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

**STATEMENT OF CLAIM:** "\* \* \* for and in behalf of L. Tensley, who is now, and for some time past has been, employed by The Pullman Company as a porter operating out of the District of Hoboken, New Jersey.

Because The Pullman Company did, under date of May 4, 1956, through Superintendent A. F. Martin take disciplinary action against Porter Tensley by giving him an actual suspension of six and one half (6½) days without pay on charges which were unproved.

And further, because the charge upon which Porter Tensley was disciplined was not proved beyond a reasonable doubt as provided for in the Agreement between The Pullman Company and Porters, Attendants, Maids and Bus Boys in the service of The Pullman Company in the United States of America and Canada, represented by the Brotherhood of Sleeping Car Porters.

And further, for the record of Porter Tensley to be cleared of the charge in this case and for him to be reimbursed for the six and one half (6½) days' pay loss as a result of this unjust and unreasonable action."

**OPINION OF BOARD:** While there is conflict between the parties concerning whether or not the charges against Claimant were proved beyond a reasonable doubt, we find that the record contains substantial, credible and competent evidence to support Carrier's action and no interference by the Division is warranted in this case.

**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 Employee involved in this dispute are respectively Carrier and Employee 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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of THIRD DIVISION

ATTEST: S. H. Schulty  
Executive Secretary

Dated at Chicago, Illinois, this 30th day of June, 1960.