

Award No. 14961
Docket No. PM-16018

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward A. Lynch, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF SLEEPING CAR PORTERS

THE PULLMAN COMPANY

STATEMENT OF CLAIM: * * * for and in behalf of L. H. Taylor, who is employed by The Pullman Company as a sleeping car porter operating out of the Chicago, Illinois District.

Because, the Pullman Company did, under date of October 19, 1965, in a decision rendered by Superintendent R. G. Brewer, take disciplinary action against Porter Taylor by assessing on him an actual five (5) days' suspension from service without pay.

And, further, because the penalty imposed upon Porter Taylor was unfair, unjust, unreasonable, and in violation of Rule 49 of the existing Agreement which provides that discipline shall be imposed only when the evidence proves beyond a reasonable doubt that the employee is guilty of the charges made against him.

And, further, for the record of Porter L. H. Taylor to be cleared of the charges in this case, and for Porter Taylor to be reimbursed for the five (5) days' pay lost by him as a result of this unjust and improper disciplinary action.

OPINION OF BOARD: We have carefully reviewed the record before us in this docket, and are not persuaded that Pullman Company's action in assessing a five day penalty here is a violation of Rule 49. The claim, accordingly, will be denied.

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 Agreement was not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November 1966.