

Award No. 9086
Docket No. MS-11036

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

EMORY ACKERMAN

THE PULLMAN COMPANY

STATEMENT OF CLAIM: Claim that Emory Ackerman was unlawfully and without sufficient cause withheld from service from August 14, 1956, through October 24, 1957, and lost earnings in the amount of \$5,-088.89 less earnings of \$1,098.00, from outside employment, or a net loss of \$3,990.89. He claims he is entitled to pay in the amount of his net loss by reason of the unlawful withholding of employment from him.

OPINION OF BOARD: This is a disability case which the claim is without merit and should be denied. The record shows that, notwithstanding the report of its own doctor dated August 22, 1957, which recommended against returning claimant to service at that time, Carrier restored him to service on October 24, 1957, as a result of a further investigation it made which disclosed that claimant apparently had abstained from the use of alcohol following his last episode in 1954.

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 20th day of November, 1959.