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AWARD NO. 40  
NRAB DOCKET NO. CL-9005  
CASE NO. 41  
SSW FILE R-51-1127  
BRC FILE 26-157

SPECIAL BOARD OF ADJUSTMENT NO. 169

PARTIES } The Brotherhood of Railway and Steamship Clerks  
TO }  
DISPUTE } St. Louis Southwestern Railway Company

STATEMENT OF CLAIM: Claim of the System Committee of the Brotherhood:

That Mr. C. B. Westerman, Clerical employee in the office of Auditor of Freight Accounts at Tyler, Texas, be restored to service with seniority and vacation rights unimpaired and compensated for wage loss suffered from September 2, 1955, or date removed, until he is restored.

FINDINGS: Claimant here was disciplined for failing to protect his job. The evidence at the investigation developed that claimant had gotten drunk and had gotten incarcerated in the city jail and was unable to protect his job at the time his job went to work.

There is reasonable evidence to support the awarding of the severe discipline against the employee, but the claimant as a man with some twenty-five years service with the Company and twelve years seniority and having been out of service some nineteen months, the Board is of the opinion that the discipline assessed against him has served its purpose and that this is sufficient discipline under all the facts and circumstances in this case and he should be reinstated on a leniency basis.

AWARD: Claim disposed of in keeping with the above Findings.

/s/ Frank P. Douglass  
Frank P. Douglass, Chairman

/s/ W. E. Straubinger  
W. E. Straubinger, Employee Member

/s/ L. C. Albert  
L. C. Albert, Carrier Member

Tyler, Texas  
April 30, 1957