



**Award Number 5876  
Docket Number 5642  
2-SOU-CM-'70**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee William H. Coburn when award was rendered.

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 21, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Carmen)  
SOUTHERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Carrier violated Article III, Section 6, paragraph (a) of the April 3, 1965 Agreement.
2. That accordingly, the Carrier compensate Carman W. E. Lovell, Knoxville, Tennessee, eight (8) hours' pay at the pro rata rate of pay for his birthday while on vacation November 16, 1966.

**FINDINGS:** The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employe or employes involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

The dispositive issue in this case is the same as that decided by the Board in Award No. 5873, and the facts are substantially similar.

Accordingly, Award No. 5873 is controlling here and this claim will also be denied.

**A W A R D**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division**

**ATTEST: E. A. Killeen  
Executive Secretary**

Dated at Chicago, Illinois, this 9th day of April, 1970.