

**Award No. 5443**

**Docket No. 5277**

**2-DT&I-CM-'68**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Joseph S. Kane when award was rendered.

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 57, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Carmen)**

**DETROIT, TOLEDO AND IRONTON RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

(1) That the Detroit, Toledo and Ironton Railroad Company violated Article 2, Section 6, Paragraph (A), of November 21, 1964 Agreement.

(2) That accordingly the Detroit, Toledo and Ironton Railroad Company compensate Carman, Robert Butner eight (8) hours at pro rata rate, for his birthday while on vacation, which was denied.

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 waived right of appearance at hearing thereon.

Claimant was on vacation from July 19, 1965 through Friday, August 6, 1965. His birthday was July 22, 1965, which was a vacation day.

The present claim is for an additional eight (8) hours' pay for the birthday holiday which occurred during the vacation period, July 22, 1965.

The claim alleged in this dispute has been before the Board in Award No. 5442 wherein the same rules, facts and circumstances were denied.

**AWARD**

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **SECOND DIVISION**

**ATTEST: Charles C. McCarthy**  
Executive Secretary

**Dated at Chicago, Illinois, this 3rd day of June, 1968.**

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