

Award No. 5476  
Docket No. 5270  
2-N&W-CM-'68

**NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION**

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

**PARTIES TO DISPUTE:**

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

**NORFOLK AND WESTERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Norfolk & Western Railway Co. violated Article 2, Section 6, Paragraph (A), of November 21, 1964 Agreement.
2. That accordingly the Norfolk & Western Railway Co. compensate Carman Harold Prickett eight (8) hours at pro rata rate for his birthday, June 5, 1965, in addition to vacation pay received for that date.

**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 waived right of appearance at hearing thereon.

The fundamental issue involved in this case is the same as that considered in Docket No. 5248, which arose out of a like dispute under the same Agreement. Accordingly, we find our Award 5468 controlling in this case, despite variations in dates, parties, names and locations, which do not warrant repetitive discussion.

**AWARD**

Claim is denied.

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

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

Dated at Chicago, Illinois, this 21st day of June, 1968.

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