

Award No. 5478  
Docket No. 5272  
2-SOU-EW-'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. 21, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Electrical Workers)  
SOUTHERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Southern Railway Company violated Article III, Section 6 (a) of the April 3, 1965 Agreement.
2. That accordingly the Southern Railway Company compensate Electrician Joe Kelly, Jr., eight (8) hours at the pro rata rate of pay for his birthday while on vacation July 28, 1965.

**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 fundamental issue involved in this case is the same as that considered in Docket No. 5248, which arose out of a like dispute under corresponding provisions of a similar 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.

Claim is denied.

**AWARD**

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

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

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

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