

Award No. 5479

Docket No. 5276

2-CMStP&P-MA-'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. 76, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

**CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC
RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That Machinist Helper Peter Symitzek was improperly compensated while on vacation.
2. That accordingly, the Carrier be ordered to compensate Machinist Helper, Peter Symitzek, 8 hours' pay at the pro rata rate for July 27, 1965, his birthday.

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.

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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