



Award No. 5588
Docket No. 5325
2-SOU-CM-'68

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Paul C. Dugan 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 the controlling Agreement of April 3, 1965, when they denied birthday holiday pay to Carman C. M. Catlett, Chattanooga, Tennessee, for November 15, 1965.

2. That accordingly, the Southern Railway Company be ordered to compensate the aforesaid employe in the amount of eight (8) hours' pay at straight time rate for his birthday as listed in part one (1) of claim.

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 issue, whether or not Claimant is entitled to an additional day's pay for his birthday occurring on one of his workdays while on vacation, is similar to the issue and agreements involved in Award Nos. 5230, 5328, 5414, 5454 and 5468, and finding said Awards controlling in this dispute, we must deny the claim.

AWARD

Claim denied.

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

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 26th day of November, 1968.

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