

**Award No. 5590**

**Docket No. 5327**

**2-IC-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. 99, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Carmen)**

**ILLINOIS CENTRAL RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Illinois Central Railroad Company violated Article II, Section 6 (a) of the November 21, 1964 Agreement.

2. That accordingly, the Illinois Central Railroad Company compensate Carmen S. Youngblood and Henry Benton, eight (8) hours each, at the straight time rate of pay, for their birthdays while on vacation.

**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 employees 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.

This claim for an additional day's pay for Claimants' birthday falling on a workday of Claimants' workweek while they were on vacation has been decided in Award Nos. 5230, 5414, 5454 and 5468, involving similar issues and agreements, and finding said Awards not palpably erroneous and controlling in this instant dispute, we must deny this 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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