

**Award No. 5591
Docket No. 5329
2-CNO&TP-MA-'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 (Machinists)**

**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC
RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Cincinnati, New Orleans and Texas Pacific Railway Company violated the Agreement of April 3, 1965, when they denied Birthday-Holiday pay to J. R. Roueche, Machinist, Tuesday, November 23, 1965, at Chattanooga, Tennessee.

2. That accordingly, the Cincinnati, New Orleans and Texas Pacific Railway Company be ordered to compensate Machinist Roueche in the amount of eight (8) hours' pro rata pay for November 23, 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 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 herein, whether or not Claimant is entitled to an additional day's pay for his birthday falling on a workday of his workweek while on vacation, is similar to the issues and agreements involved in Award Nos. 5230, 5414, 5454 and 5468, and finding said Awards controlling in this dispute, we must deny the petitioner's 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.

Keenan Printing Co., Chicago, Ill.

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