

Award No. 5596

Docket No. 5334

2-AA-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. 13, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

THE ANN ARBOR RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement, carrier improperly denied Machinist A. L. Benchley birthday holiday compensation for his birthday, March 12, 1966, which fell during his assigned vacation period.

2. That accordingly, the carrier be ordered to compensate the aforesaid employe eight (8) hours at straight time rate as birthday holiday compensation.

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 waived right of appearance at hearing thereon.

This claim for birthday-holiday pay for Claimant, whose birthday occurred while he was on vacation and receiving vacation pay, is similar to the issue and agreements in Award Nos. 5230, 5414 and 5468, and, having held that said Awards are controlling in the determination of 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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