



Award No. 5659

Docket No. 5450

2-N&W-MA-'69

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. 16, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O. (Machinists)

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement, carrier improperly denied the hereinafter named Machinists birthday-holiday compensation for their birthdays which fell during their assigned vacation period:

R. H. Harper	June 29, 1965
R. L. Blankenship	July 6, 1965
C. J. Jones	July 9, 1965
R. L. Kelly	September 15, 1965

2. That accordingly, the carrier be ordered to compensate the aforesaid employes eight (8) hours at the 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.

The fundamental issue involved in this case is the same as that considered in Award 5468, which arose out of a like dispute under corresponding provisions of a similar 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 18th day of April 1969.