



**Award No. 5662**  
**Docket No. 5479**  
**2-CNO&TP-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. 21, RAILWAY EMPLOYEES'**  
**DEPARTMENT, AFL-CIO (Machinists)**

**CINCINNATI, NEW ORLEANS & 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. B. Miller on Monday, July 18, 1966 at Chattanooga, Tennessee.

2. That accordingly, The Cincinnati, New Orleans and Texas Pacific Railway Company be ordered to pay Machinist Miller in the amount of eight (8) hours' pro rata pay for Monday, July 18, 1966, his birthday.

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 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.**

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