



Award No. 5711

Docket No. 5551

2-N&W-CM '69

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Gene T. Ritter when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. OF L. - C. I. O.
(CARMEN)**

NORFOLK & WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Norfolk & Western Railway Company violated the controlling agreement when it denied painter J. R. Wall, Jr., eight (8) hours compensation at the pro rata rate for December 15, 1965, his birthday which occurred during his assigned vacation period.
2. That accordingly the Norfolk & Western Railway Company be ordered to compensate J. R. Wall, Jr., eight (8) hours at the pro rata rate for December 15, 1965, his birthday, for said violation.

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.

The question involved in this dispute is identical to the question in Award 5710. Therefore, for the reasons set out in Award 5710, this claim will be denied.

A W A R D

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

**ATTEST: Charles C. McCarthy
Executive Secretary**

Dated at Chicago, Illinois, this 6th day of June, 1969.

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