

Award No. 5715

Docket No. 5569

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 AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement, the carrier improperly denied Carman Painter G. P. Moynihan eight hours' birthday holiday compensation for his birthday February 16, 1966 which fell during his assigned vacation period.
2. That accordingly the carrier be ordered to compensate the afore-said employee eight 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 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 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.