



**Award No. 5825**

**Docket No. 5672**

**2-N&W-CM- '69**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION, NO. 57, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL — CIO  
(Carmen)**

**NORFOLK AND WESTERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

- (1) That the Norfolk & Western Railway Co., violated Article 2, Section 6 Paragraph (A), of the November 21, 1964 Agreement.
- (2) That accordingly the Norfolk & Western Railway Co., compensate Car Oiler Charles Jenks eight (8) hours at pro rata rate for his birthday while on vacation, which was denied.

**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 facts and the issue presented in this case are identical to those in Award No. 5818. For the reasons stated in that award, we will sustain the claim.

**A W A R D**

Claim sustained.

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

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

Dated at Chicago, Illinois, this 16th day of December, 1969.

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