



Award No. 5905

Docket No. 5696

2-N&W-CM-'70

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

PARTIES TO DISPUTE:

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

NORFOLK AND WESTERN RAILWAY COMPANY

The Second Division consisted of the regular members and in addition Referee Arthur Stark when award was rendered.

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Norfolk and Western Railway Company violated the controlling Agreement when it denied Carmen S. E. Crawford, eight (8) hours' compensation at the pro rata rate for November 29, 1966, his birthday, which occurred during his assigned vacation period.
2. That accordingly the Norfolk and Western Railway Company be ordered to compensate Carman S. E. Crawford eight (8) hours' at the pro rata rate for November 29, 1966, 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 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.

For the reasons stated in Award No. 5904 this claim will be denied. Similar claims on this property were denied in Awards 5555, 5557, 5559 through 5562, 5710 through 5713, 5476, 5569 through 5571, 5560 and 5659. (Claims were sustained in Awards 5776, 5777, 5821 and 5825.)

A W A R D

Claim denied.

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

**ATTEST: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 17th day of April, 1970.