



**Award No. 5910
Docket No. 5679
2-N&W-MA-'70**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 16, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO
(MACHINIST)**

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement, carrier improperly denied Claimant birthday holiday compensation which fell during his assigned vacation period.

**M. T. Sink - Machinist
Birthday-December 26, 1966
East End Shop
Roanoke, Virginia**

2. That accordingly, the carrier be ordered to compensate the aforesaid employe eight (8) 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 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 sustained. Similar claims on this property were sustained in Awards 5751, 5752 and 5819.

A W A R D

Claim sustained.

**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.

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