

Award No. 6097

Docket No. 5908

2-MP-CM-'71

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

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

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 2, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O. (Carmen)
MISSOURI PACIFIC RAILROAD COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Missouri Pacific Railroad Company violated the Agreement of November 21, 1964, when they deprived Carman C. V. Kita the right to work his regular assignment on January 16, 1969.

2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Carman Kita in the amount of eight (8) hours at the punitive rate for January 16, 1969.

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 were given due notice of hearing thereon.

The facts, issues and rules involved in this claim are identical to those contained in Award No. 6094 of this Division. The present Referee participated in that Award. We held in that Award that previous Awards of this Division were controlling. Our position in this Award is reaffirmed and the claim will be sustained.

AWARD

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 February 1971.

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