

Award No. 6289

Docket No. 6132

2-MP-CM-'72

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman 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-Record Writer M. T. Linz, North Little Rock, Arkansas, the right to work his regular assignment on Friday, May 8, 1970.

2. That accordingly, the Missouri Pacific Railroad Company be ordered to compensate Carman-Record Writer Linz in the amount of eight (8) hours at the punitive rate for May 9, 1970, and in addition to the money amount claimed herein, the Carrier shall pay Claimant an additional amount of 6% per annum compounded annually on the anniversary date of the claim.

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.

This case involves the same principle as in our Award No. 6288. The facts are not disputed. Claimant who was off on his birthday holiday was deprived of the opportunity to work when another man was assigned in his place.

Part 2 of the claim is sustained but the claim for interest is denied for the same reason stated in our Award No. 6288.

AWARD

Claim sustained only to the extent indicated in the findings.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 4th day of May 1972.