

**Award No. 3988**  
**Docket No. 4143**  
**2-P&LE-TWUOA-'62**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**SECOND DIVISION**

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**PARTIES TO DISPUTE:**

**RAILROAD DIVISION, TRANSPORT WORKERS UNION  
OF AMERICA, A. F. of L. - C. I. O.**

**THE PITTSBURGH & LAKE ERIE RAILROAD COMPANY AND  
THE LAKE ERIE & EASTERN RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:** Claim is for Carman Herron as is as follows: "Eight (8) hours punitive rate for September 5, 1960, Labor Day." Carman Herron was on his scheduled vacation from September 5, 1960 through September 23, 1960. His regular assignment was not cut off as per Rule 3(h) but had been awarded to car inspector Bacha under provisions of Rule 34(c) who began working this job on September 6, 1960. No one worked the vacation vacancy on September 5, 1960, allegedly because the bid placed on this temporary vacancy by car inspector Bacha did not arrive in the Gateway Shop office due to mail being held up in some manner. Car inspector Bacha did bid Herron's job and he did call Foreman Fitzpatrick on the morning of September 5, 1960 as to this job (Herron's job works second trick) but was told by the Foreman that this job would not be filled on September 5, 1960. It is submitted that Foreman Fitzpatrick was in error when he told Bacha that this job was not going to be filled on September 5, 1960 as Herron's job could not be cut off as he was the senior man at this point and had he not been on vacation would have worked September 5, 1960. The organization takes the position that it was improper to cut off this job and feels that car inspector Herron should be paid while on vacation the same as if he would have been paid working and not on vacation.

**STATEMENT:** The above question was submitted to the Second Division of the National Railroad Adjustment Board by the above referred to organization in ex parte form, hearing thereon was not held, and the Division is now in receipt of a request from the employes that the case be withdrawn.

**AWARD**

Claim dismissed.

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
By Order of **SECOND DIVISION**

**ATTEST:** Harry J. Sassaman  
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of May, 1962.