



**Award No. 5129**

**Docket No. 4839**

**2-DT&I-CM-'67**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Paul C. Dugan when award was rendered.

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 57, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Carmen)**

**DETROIT, TOLEDO AND IRONTON RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That under the controlling agreement the Carrier improperly denied H. A. Trouten and F. G. Malvitz compensation for New Year's Day, January 1, 1964.

2. That accordingly, the Carrier be ordered to compensate Carmen H. A. Trouten and F. G. Malvitz in the amount of (8) hours at pro rata hourly rate for the aforementioned holiday.

**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.

Claimants (two Carmen) each worked three hours on December 31, 1963. They worked the full workday of January 2, 1964, and are making a claim for the holiday pay for New Year's Day, January 1, 1964.

The same question involved herein was decided in Award 5126, and inasmuch as said Award is controlling in the instant dispute, we must sustain the claims.

**AWARD**

Claims sustained.

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

**ATTEST:** Charles C. McCarthy  
Executive Secretary

Dated at Chicago, Illinois, this 31st day of March, 1967.

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