

**Award No. 5420**

**Docket No. 5240**

**2-AT&SF-SM-'68**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Gene T. Ritter when award was rendered.

**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 97, RAILWAY EMPLOYEES'  
DEPARTMENT, A. F. of L. - C. I. O. (Sheet Metal Workers)**

**THE ATCHISON, TOPEKA AND SANTA FE  
RAILWAY COMPANY (Eastern Lines)**

**DISPUTE: CLAIM OF EMPLOYEES:**

1—That the Atchison, Topeka and Santa Fe Railway Company violated Article II, Section 6(a) of the February 4, 1965 Agreement.

2—That accordingly, the Atchison, Topeka & Santa Fe Railway Company compensate Sheet Metal Worker D. L. Swan eight (8) hours at the pro rata rate of pay for his birthday, May 2, 1965.

**FINDINGS:** The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 parties hereto have stipulated and agreed that this claim shall be disposed of by the findings as contained in Award No. 5414 for the reason that this dispute involves the same issue. Accordingly, this claim shall be denied.

**AWARD**

Claim denied.

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

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

Dated at Chicago, Illinois, this 3rd day of May 1968.

Keenan Printing Co., Chicago, Ill.

Printed in U. S. A.