



Award No. 5449
Docket No. 5297
2-SCL-MA-'68

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Joseph S. Kane when award was rendered.

PARTIES TO DISPUTE:

SYSTEM FEDERATION NO. 39, RAILWAY EMPLOYES'
DEPARTMENT, AFL-CIO (Machinists)

SEABOARD COAST LINE RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYES:

1. That the Seaboard Air Line Railroad Company violated the Controlling Agreement, when it refused to compensate Machinist C. L. Stewart for his birthday-holiday, November 19, 1965, which was also a vacation day of his vacation period.

2. That accordingly the Seaboard Air Line Railroad Company be ordered to additionally compensate Machinist Helper C. L. Stewart for eight (8) hours at the pro-rata rate of pay for his birthday-holiday (November 19, 1965) while on vacation.

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 employees 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 claim arose when the Carrier refused to pay the Claimant an additional day's pay for a birthday holiday, November 19, 1965, while he was on vacation. The claimant received vacation pay and seeks eight (8) hours pro-rata for Birthday Holiday pay.

The claim alleged in this dispute has been before the Board in Award No. 5442 wherein the same rules, facts and circumstances were 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 June, 1968.

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