

**Award No. 5470**

**Docket No. 5255**

**2-B&O-FT-'68**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

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

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 30, RAILWAY EMPLOYES'  
DEPARTMENT, AFL-CIO (Federated Trades)**

**THE BALTIMORE AND OHIO RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYES:**

1. That the Carrier violated the Current Agreement, as amended by the November 21, 1964 and February 4, 1965 National Agreements, when they failed to compensate the following employees eight (8) hours' pay each for their Birthday:

Blacksmith Helper - I. L. Willison - May 4, 1965

Carman - Jan Dyminski - June 24, 1965

Electrician - E. LaCaffinie, Jr. - July 14, 1965

Sheet Metal Worker - Albert Kaufman - June 30, 1965

2. That accordingly, the Carrier be ordered to compensate the above named employees eight (8) hours' pay each at the applicable pro rata rate.

**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 fundamental issue involved in this case is the same as that considered in Docket No. 5248, which arose out of a like dispute under the same

Agreement. Accordingly, we find our Award 5468 controlling in this case, despite variations in dates, parties, names and locations, which do not warrant repetitive discussion.

**AWARD**

Claim is denied.

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

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

Dated at Chicago, Illinois, this 21st day of June, 1968.