

 Award No. 5474

Docket No. 5264

2-C&O-SM-'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.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 41, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Sheet Metal Workers)**

**THE CHESAPEAKE AND OHIO RAILWAY COMPANY
(Southern Region)**

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Carrier violated the current agreement, particularly Mediation Agreement of February 4, 1965, when it improperly denied Sheet Metal Worker Donald Tackett birthday holiday compensation for June 17, 1965.

2. That accordingly, the Carrier be ordered to compensate Sheet Metal Worker Donald Tackett 8 hours at the straight time rate for his birthday 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.

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.

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