



Award No. 5475
Docket No. 5268
2-SOU-MA-'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. 21, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)**

SOUTHERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Southern Railway Company violated the Agreement of April 3, 1965, when they denied Birthday-Holiday pay to Machinist F. G. Ferguson on July 21, 1965, Machinist R. G. Furber on July 23, 1965, and Machinist F. J. Loescher on August 6, 1965 at Spartanburg, South Carolina.

2. That accordingly, the Southern Railway Company be ordered to compensate Machinists Ferguson, Furber and Loescher in the amount of eight (8) hours pro rata rate pay for their respective Birthday-Holidays as enumerated above.

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 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 corresponding provisions of a similar 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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