

**Award No. 5555
Docket No. 5412
2-N&W-CM-'68**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Francis B. Murphy when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

NORFOLK AND WESTERN RAILWAY COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement, carrier improperly denied Claimants birthday holiday compensation which fell during their assigned vacation period. (Listed below)

Welder H. N. Powers for eight (8) hours additional pay for April 5, 1965.

Welder A. D. West for eight (8) hours additional pay for April 23, 1965.

2. That accordingly, the carrier be ordered to compensate the aforesaid employees eight (8) hours at the straight time rate as birthday holiday compensation.

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 waived right of appearance at hearing thereon.

The facts, evidence and argument present in this case are substantially the same as those presented in Award No. 5552; therefore, the issue has been disposed of, and no useful purpose would be served by disturbing the precedent now firmly established.

AWARD

Claim denied.

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

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 30th day of October, 1968.

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