

Award No. 5582

Docket No. 5311

2-EL-CM-'68

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Paul C. Dugan when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION NO. 100, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

ERIE-LACKAWANNA RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the current agreement, Carrier improperly denied Carman P. G. McLaughlin birthday holiday compensation for his birthday, March 17, 1965, which fell on a vacation day of his vacation period.

2. That accordingly, Carrier be ordered to pay deceased Carman P. G. McLaughlin's birthday holiday compensation [eight (8) hours at the applicable straight time rate] to his widow, Mrs. P. G. McLaughlin.

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 for birthday pay for Claimant while he was on his vacation is similar to the issue and agreements involved in Award Nos. 5230, 5328, 5414 and 5468. Having agreed with the reasoning and conclusions reached in said Awards and finding them controlling in this instant dispute, we must deny the claim.

AWARD

Claim denied.

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

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 26th day of November, 1968.

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