

Award No. 5587  
Docket No. 5324  
2-CNO&TP-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. 21, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Carmen)**

**THE CINCINNATI, NEW ORLEANS AND TEXAS PACIFIC  
RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the carrier violated the controlling Agreements, particularly the Agreement of April 3, 1965, when they denied birthday holiday pay to Carman R. H. Williams, Danville, Kentucky, for November 10, 1965.

2. That accordingly, the Southern Railway Company be ordered to compensate the aforesaid employe in the amount of eight (8) hours' pay at straight time rate for his birthday as listed in part one (1) of claim.

**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.

This claim for an additional day's pay for Claimant's birthday occurring while he was on vacation is similar to the issue and agreements in Award Nos. 5230, 5414, 5454 and 5468, and, inasmuch as we concur in the reasoning and conclusions reached in said Awards, we must therefore deny this 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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