



Award No. 5589  
Docket No. 5326  
2-IC-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. 99, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Carmen)**

**ILLINOIS CENTRAL RAILROAD COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Illinois Central Railroad Company violated Article II, Section 6(a) of the November 21, 1964 Agreement.

2. That accordingly, the Illinois Central Railroad Company compensate Carmen D. W. Baker and E. W. Sherman, eight (8) hours each at the straight time rate of pay for their birthday holiday while on vacation.

**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 claim for an additional day's pay for Claimant's birthday falling on a workday of his workweek while on vacation is similar to the issue and agreements involved in Award Nos. 5230, 5328, 5414, 5454 and 5468, and not finding said Awards palpably erroneous and, therefore, controlling in this dispute, we must 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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