



Award No. 5592

Docket No. 5330

2-SOU-MA-'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 (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 R. A. Eubanks, M. R. Sargent, D. T. Barclay and I. E. Crow, machinists, Atlanta, Ga., on their respective birthdays during their assigned vacation periods in 1965.

2. That accordingly, the Southern Railway Company be ordered to compensate Machinist Eubanks, Sargent, Barclay and Crow in the amount of eight (8) hours' pro rata pay for their respective birthdays.

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 birthday-vacation dispute is similar to the issue and agreements involved in Award Nos. 5230, 5414, 5454 and 5468, and inasmuch as it is our opinion said Awards are controlling in deciding this dispute, and since we feel that it is not necessary to reiterate the reasoning and conclusions set forth in said Awards, we must deny the claims.

AWARD

Claims 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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