

**Award No. 5593
Docket No. 5331
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 Cincinnati, New Orleans and Texas and Pacific Railway Company violated the Agreement of April 3, 1965, when they denied Birthday-Holiday pay to T. L. Bowling, Machinist, Monday, November 22, 1965, at Chattanooga, Tennessee.

2. That accordingly, the Cincinnati, New Orleans and Texas Pacific Railway Company be ordered to compensate Machinist Bowling in the amount of eight (8) hours' pro rata pay for Monday, November 22, 1965, his birthday.

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 were given due notice of hearing thereon.

Whether a Claimant is entitled to birthday pay in addition to vacation pay because of his birthday falling on a work day of his workweek while on vacation has been decided in Award Nos. 5230, 5414, 5454 and 5468. Inasmuch as said Awards, which involved a similar birthday-vacation issue and similar agreements as herein, correctly state the interpretations and conclusions to be given to such a dispute as in this instance, we are compelled to 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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