



Award No. 5597
Docket No. 5336
2-SP(PL)-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. 114, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Machinists)

SOUTHERN PACIFIC COMPANY
(Pacific Lines)

DISPUTE: CLAIM OF EMPLOYEES:

1. That Machinist G. J. Stadther (hereinafter referred to as Claimant) was improperly compensated under applicable terms of current controlling Agreements while on vacation.

2. That accordingly, the Carrier be ordered to additionally compensate Claimant in the amount of eight (8) hours' pay at pro rata rate for the date of March 3, 1966.

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.

Claimant was on his scheduled vacation on March 3, 1966, which was his regular work day of his regularly assigned workweek and also his birthday. This claim for an additional day's pay for said birthday-holiday is similar to the issue and agreements involved in Award Nos. 5230, 5414, 5454 and 5468, and, since we have held that said Awards are controlling in the determination of such a dispute as here, 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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