

Award No. 5600

Docket No. 5355

2-D&H-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. 35, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL-CIO (Machinists)**

**THE DELAWARE AND HUDSON RAILROAD CORPORATION**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Carrier violated the Controlling Agreement, particularly Article II, Section 6(a) of the February 4, 1965 Agreement.

2. That the Carrier be ordered to compensate Machinist Phillip Holland eight (8) hours at the pro-rata rate of pay for his birthday-holiday (July 19, 1965) 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.

Claimant's birthday occurred during his vacation, and he is requesting an additional day's pay under the applicable provisions of Article II, Section 6 of the February 4, 1965 Agreement. This dispute is similar to the disputes and agreements involved in Award Nos. 5230, 5414, 5454 and 5468 and, hence, are controlling herein and for the reasons stated in said Awards, 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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