

Award No. 5649

Docket No. 5579

2-SP(PL)-MA-'69

NATIONAL RAILROAD ADJUSTMENT BOARD

SECOND DIVISION

The Second Division consisted of the regular members and in addition Referee Gene T. Ritter 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 the Southern Pacific Company violated the controlling agreement, particularly Article II, Section 6 of the February 4, 1965 Agreement.

2. That accordingly the Southern Pacific Company be ordered to additionally compensate Machinist Milton DeFrank eight (8) hours at the pro rata rate for December 15, 1966, his birthday, which occurred 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 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 waived right of appearance at hearing thereon.

The issue contained in this dispute is identical to the issue presented in Award 5645. Therefore, this Claim will be denied for the reasons set out in said Award.

AWARD

Claim denied.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of SECOND DIVISION**

ATTEST: Charles C. McCarthy
Executive Secretary

Dated at Chicago, Illinois, this 20th day of March, 1969.

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