

Award No. 5668

Docket No. 5476

2-B&O-BK-'69

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

**The Second Division consisted of the regular members and in
addition Referee George S. Ives when award was rendered.**

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 30, RAILWAY EMPLOYEES'
DEPARTMENT, A. F. of L. - C. I. O. (Blacksmiths)**

THE BALTIMORE AND OHIO RAILROAD COMPANY

DISPUTE: CLAIM OF EMPLOYEES:

1. That Article 8 of the National Vacation Agreement of December 17, 1941, as amended, was violated when the Baltimore & Ohio Railroad refused to grant four (4) weeks' pay in lieu of vacation earned in 1965 to Blacksmith Floyd Chastain, who terminated his employe relationship on April 5, 1966.

2. That accordingly, the Carrier be ordered to compensate Blacksmith Floyd Chastain four (4) weeks' pay at the applicable pro rata rate.

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.

The fundamental issue involved in this case is the same as that considered in Award 5667, which arose out of a like dispute under the same Agreements. Accordingly, we find our Award 5667 controlling in this case, despite variations in dates and parties which do not warrant repetitive discussion.

AWARD

Claim is disposed of in accordance with the findings.

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

**ATTEST: Charles C. McCarthy
Executive Secretary**

Dated at Chicago, Illinois, this 18th day of April 1969.

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