



Award No. 5699

Docket No. 5464

2-PC(NYNH&H)-CM '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. 17, RAILWAY EMPLOYEES'
DEPARTMENT, AFL-CIO (Carmen)**

**PENN CENTRAL COMPANY (NEW YORK, NEW HAVEN
& HARTFORD RAILROAD COMPANY)**

DISPUTE: CLAIM OF EMPLOYEES:

1. That the New Haven Railroad improperly compensated Car Inspector K. Sennett for services performed on Friday, February 12, 1965 his birthday holiday and also his rest day, in violation of the current agreement as amended November 21, 1964.
2. That accordingly the New Haven Railroad is requested to additionally compensate K. Sennett in the amount of eight (8) hours at the time and one-half rate of pay for having worked his birthday holiday.

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 fundamental issue involved in this case is the same as that considered in our Award No. 5412, although the particular holiday involved herein was the claimant's birthday. Accordingly, we find our Award No. 5412 to be controlling precedent in this case. See also Award No. 5523.

A W A R D

Claim sustained.

**NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division**

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

Dated at Chicago, Illinois, this 29th day of May, 1969.

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