



Award No. 5713
Docket No. 5556
2-N&W-CM '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. 16, RAILWAY EMPLOYES'
DEPARTMENT, A.F. of L.—C.I.O. (CARMEN)
NORFOLK & WESTERN RAILWAY COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That under the terms of the current agreement, the Carrier improperly denied Carman-Welder T. W. Humphreys eight (8) hours' birthday compensation for his birthday, February 10, 1966, which fell during his assigned vacation period.
2. That accordingly, the Carrier be ordered to compensate the aforesaid employe eight (8) hours at the straight-time rate as birthday-holiday compensation.

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.

The question involved in this dispute is identical to the question in Award 5710. Therefore, for the reasons set out in Award 5710 this claim will be denied.

A W A R D

Claim denied.

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

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

Dated at Chicago, Illinois, this 6th day of June, 1969.

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