



**Award No. 5714**

**Docket No. 5559**

**2-SOU-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. 21, RAILWAY EMPLOYEES'  
DEPARTMENT, A.F. of L.—C. I. O. (CARMEN)**

**SOUTHERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Carrier violated Article III, Section 6, paragraph (a) of the April 3, 1965 Agreement.
2. That accordingly the Carrier compensate Carman S. E. Moyers, Coster Shop. Knoxville, Tennessee, eight (8) hours' pay at the pro rata rate of pay for his birthday while on vacation. September 8, 1966.

**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 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.