



**Award No. 5821**

**Docket No. 5668**

**2-N&W-CM- '69**

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**SECOND DIVISION**

**The Second Division consisted of the regular members and in addition Referee John J. McGovern when award was rendered.**

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**PARTIES TO DISPUTE:**

**SYSTEM FEDERATION NO. 16, RAILWAY EMPLOYES'  
DEPARTMENT, AFL — CIO  
(Carmen)**

**NORFOLK AND WESTERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Norfolk and Western Railway Company violated the controlling agreement when it denied Carman W. M. West, eight (8) hours' compensation at the pro rata rate for September 20, 1966, his birthday which occurred during his assigned vacation period.
2. That accordingly the Norfolk and Western Railway Company be ordered to compensate Carman W. M. West eight (8) hours' at the pro rata rate for September 20, 1966, his birthday, for said violation.

**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 facts and the issue presented in this case are identical to those in Award No. 5818. For the reasons stated in that award, we will sustain the claim.

**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 16th day of December, 1969.