



Award No. 5823  
Docket No. 5670  
2-SP(PL)-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. 114, RAILWAY EMPLOYEES'  
DEPARTMENT, AFL — CIO  
(Carmen)**

**SOUTHERN PACIFIC COMPANY (Pacific Lines)**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Southern Pacific Company violated the controlling Agreement particularly, Article II, Section 6, of the November 21, 1964, Agreement.
2. That accordingly, the Southern Pacific Company be ordered to compensate Passenger Carman D. Redding eight (8) hours at the pro rata rate of his position for his birthday, July 24, 1967, while on vacation, which was denied.

**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 employees 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.

**AWARD**

**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.**