



**Award No. 5906
Docket No. 5698
2-C&NW-CM-'70**

**NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION**

The Second Division consisted of the regular members and in addition Referee Arthur Stark when award was rendered.

PARTIES TO DISPUTE:

**SYSTEM FEDERATION No. 12,
RAILWAY EMPLOYEES' DEPARTMENT, A.F.L.-C.I.O.
(CARMEN)**

**CHICAGO AND NORTH WESTERN RAILWAY
COMPANY**

DISPUTE: CLAIM OF EMPLOYEES:

1. That the Chicago & North Western Ry. Co. violated Article II, Section 6, of the November 21, 1964 Agreement.
2. That accordingly, the Chicago & North Western Ry. Co. be ordered to compensate Carman, Harry J. Muryn, eight (8) hours at the pro rata rate of his position for his birthday, July 17, 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 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. For the reasons stated in Award No. 5904 we will deny this claim. A similar claim on this property was denied by the Board in Award 5473.

A W A R D

Claim denied.

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

**WITTEST: E. A. Killeen
Executive Secretary**

Dated at Chicago, Illinois, this 17th day of April, 1970.

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