



Award No. 5908

Docket No. 5700

2-SOU-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. 21,
RAILWAY EMPLOYEES' DEPARTMENT, A.F.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 W. E. Phillips, Jr., Knoxville, Tennessee, eight (8) hours' pay at the pro rata rate of pay for his birthday while on vacation August 2, 1967.

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.

For reason stated in Award No. 5904 this claim will be denied. Similar claims on this property were denied in Awards 5446, 5714, 5554, 5556, 5587 and 5588. (Sustaining Awards were rendered in 5770, 5771, 5773, 5774 and 5778.)

A W A R D

Claim denied.

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

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

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

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