



Award No. 5909  
Docket No. 5701  
2-SOU-MA-'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 EMPLOYES' DEPARTMENT, A.F.L.-C.I.O.  
(MACHINISTS)**

**SOUTHERN RAILWAY COMPANY**

**DISPUTE: CLAIM OF EMPLOYEES:**

1. That the Southern Railway Company violated the Agreement of April 3, 1965, when they denied Birthday-Holiday pay to C. F. Curl, Machinist, Thursday, July 13, 1967 at Chattanooga, Tennessee.
2. That accordingly the Southern Railway Company be ordered to compensate Machinist Curl in the amount of eight (8) hours pro rata pay for July 13, 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 reasons stated in Award No. 5904 this claim will be denied. Similar claims on this property were denied in Awards 5475, 5552, 5645, 5447, 5448 and 5592. (A claim was sustained in Award 5779.)

**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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