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NATIONAL RAILROAD ADJUSTMENT BOARD  
SECOND DIVISION

Award No. 6491  
Docket No. 6288  
2-BN-CM-'73

The Second Division consisted of the regular members and in addition Referee Irving T. Bergman when award was rendered.

Parties to Dispute: ( System Federation No. 7, Railway Employees'  
( Department, A. F. of L. - C. I. O.  
( (Carmen)  
(  
( Burlington Northern, Inc. (CB&Q)

Dispute: Claim of Employees:

1. That Car Inspector M. E. Burbach, Lincoln, Nebraska, was improperly compensated on Thursday, November 26, 1970, the second rest day of his assignment, when only allowed time and one-half his basic rate of compensation.
2. That accordingly, Car Inspector M. E. Burbach is entitled to be additionally compensated for four (4) hours at the straight time rate, which represents the difference in time and one-half payment received for that day and the double time payment due for the eight (8) hours service performed on his second rest day.

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee 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 parties to this case are the same as in Award No. 6488. The work was performed at the same location. The facts are almost identical. The issue is the same. The contentions of the parties are the same. Claimant in this case has a more favorable position than did the claimant in the prior Award if we were to lend credence to the Carrier's contention in the prior case. In this case

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the work performed by claimant on his rest days was the same as performed by him during his regularly assigned five work days.

The reasoning set forth in Award No. 6488 is incorporated herein as though fully set forth.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Second Division

Attest:

*E. A. Killean*

Executive Secretary

Dated at Chicago, Illinois, this 2nd day of May, 1973.