

The Second Division consisted of the regular members and in addition Referee Nicholas H. Zumas when award was rendered.

Parties to Dispute: { System Federation No. 100, Railway Employees'
{ Department, A. F. of L. - C. I. O.
{ (Carmen)
{ Erie Lackawanna Railway Company

Dispute: Claim of Employee:

1. That under the current agreement the Carrier has improperly denied accumulated vacation rights to Carman John D. Lascombe based on continuous service beginning January, 1949.
2. That accordingly, Carrier be ordered to grant accumulated vacation rights based on continuous service beginning January, 1949.

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.

Claimant herein transferred from the Erie-Lackawanna to the Delaware and Hudson on October 1, 1969 as a result of a coordination of mechanical department forces and facilities of the two Carriers at Binghamton, New York. At that point claimant became a Delaware and Hudson employe and remained so until April 20, 1972 when he resigned.

The next day Claimant applied for a position with the Erie-Lackawanna and was hired the same day.

This is a claim for continuous service, for vacation purposes, with the Erie-Lackawanna from January 10, 1949.

The identical issue was decided against the Organization (Electrical Workers) and in favor of this Carrier in Second Division Award No. 6656. The reasoning of that award is sound and we shall follow it.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By Rosemarie Brasch
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 8th day of August, 1975.