

The Second Division consisted of the regular members and in addition Referee Robert W. McAllister when award was rendered.

(International Association of Machinists and Aerospace
(Workers
Parties to Dispute: (
(St. Louis Southwestern Railway Company

Dispute: Claim of Employees:

Time claim at the straight time rate for the following Machinists at Pine Bluff, Arkansas:

J. T. McBride	- 16 hours
F. M. Bacon, Jr.	- 32 hours
A. D. Brantley	- 8 hours
J. F. Clement	- 16 hours
R. L. Dixon	- 24 hours
B. C. Gregory	- 24 hours
J. L. Hillman	- 8 hours
F. E. Kalkbrenner	- 24 hours
H. V. Lyles	- 16 hours
J. L. Marshall	- 16 hours
J. G. Springer	- 24 hours

Due to Carrier's Payroll Department's refusal to allow vacation time in lieu of time lost due to B. L. E. Strike. Vacation time had been approved by local Supervision in compliance with the Agreement dated April 23, 1953.

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 employes 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.

This is a Claim for straight time pay for 11 Machinists at the Carrier's Pine Bluff, Arkansas, facility on the basis the Carrier refused to allow the Claimants to utilize their unused vacation while honoring the picket line of the Brotherhood of Locomotive Engineers in September of 1982.

Citing the Memorandum of Agreement reached by the parties on April 22, 1953, the Organization insists the Carrier is obligated to allow the requested vacation pay. That Agreement states in part:

"When an employee is compelled to lay off prior to date of his vacation assignment due to sickness or other good reason . . ."

The Carrier takes two positions in denying the Claim. It argues the Claim is moot because the Claimants listed all received their vacation pay at the appropriate time. Secondly, the clear and unambiguous language of the Agreement does not provide for situations involving observation of a picket line.

This Board finds merit in both positions. However, in that the threshold question is an assertion of mootness, we will limit our decision to an affirmative answer to that issue. The Claimants suffered no loss, and we find no justification to find a controversy continues to exist.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 9th day of April 1986.