

Form 1

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12366
Docket No. 12290
92-2-91-2-78

The Second Division consisted of the regular members and in addition Referee Eckehard Muessig when award was rendered.

PARTIES TO DISPUTE: (James G. O'Rourke
(Southern Pacific Transportation Company (Western Lines)

STATEMENT OF CLAIM: Claimant James G. O'Rourke respectfully claims:

(1) That Carrier did violate the Collective Bargaining Agreement, the National Vacation Agreement Section 1(d) of Article III, as amended, the Holiday Agreement, and the two (2) day personal-leave condition;

(2) That Claimant is entitled to five (5) days' vacation pay, one (1) day holiday pay, and two (2) days' personal-leave pay, eight (8) days' total pay, together with interest thereon at the rate of 10% per annum for the calendar year of 1985.

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.

The substance of this claim by the Petitioner has been considered and ruled upon by the Board. (See Second Division Awards 11624, 12149, and 12198.) Accordingly, the claim must be dismissed.

A W A R D

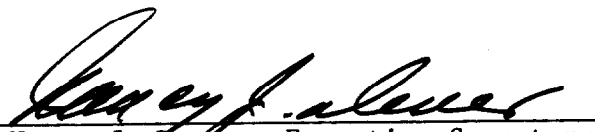
Claim dismissed.

Form 1
Page 2

Award No. 12366
Docket No. 12290
92-2-91-2-78

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest:


Nancy J. Deyer - Executive Secretary

Dated at Chicago, Illinois, this 1st day of July 1992.