

Award No. 8110
Docket No. MS-8434

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

PARTIES TO DISPUTE:

JOSEPH A. CAMPBELL

LEHIGH VALLEY RAILROAD COMPANY

STATEMENT OF CLAIM: This dispute involves Petitioner's claim for fifteen days' vacation in 1954 under Article I, Section 1, paragraph (c) of the August 21, 1954 National Agreement.

OPINION OF BOARD: Article I - Vacations, Section 1, paragraph (c) of the August 21, 1954 National Agreement, provides:

"Effective with the calendar years 1954, an annual vacation of fifteen (15) consecutive work days with pay will be granted to each employe covered by this Agreement who renders compensated service on not less than 133 days during the preceding calendar year and who has fifteen or more years of continuous service and who, during such period of continuous service renders compensated service on not less than 133 days (151 days in 1949 and 160 days in each of such years prior to 1949) and in each of fifteen (15) of such years not necessarily consecutive."

The record shows that Petitioner's service with the Carrier was as follows:

Entered Service as Clerk	12/8/19
Resigned	9/30/46
Re-entered Service as Clerk	4/25/47

The term "continuous service" as referred to in the Agreement of August 21, 1954 means continuous service from the time Petitioner was last employed by the Carrier. Petitioner's service prior to September 30, 1946 when he resigned cannot be counted. Inasmuch as he did not have fifteen years of continuous service since he was last employed by Carrier on April 25, 1947, his claim for fifteen days' vacation in 1954 must be denied.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties to this dispute waived oral hearing thereon;

That the Carrier and the Employe involved in this dispute are respectively carrier and employe within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the claim will be denied.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: A. Ivan Tummon
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of October, 1957.