

NATIONAL RAILROAD **ADJUSTMENT** BOARD

THIRD DIVISION

Award Number 21086
Docket Number MM-21087

William M. Edgett, Referee

(Brotherhood of Maintenance of Way **Employees**)
PARTIES TO DISPUTE: (
(Chicago and North Western Transportation Company)

STATEMENT OF CLAIM: Claim of the System **Committee** of the Brotherhood that:

(1) Because Foreman Julius **Schroder** was required to work on what should have been a day of his 1973 vacation (12-31-73) the Carrier shall now allow him the difference between what he was paid at his straight-time rate and what he should have been paid at his time and one-half rate for said date (System File 81-3-182).

OPINION OF BOARD: This claim is governed by the Board's finding that the Christmas holiday was not within Claimant's vacation period. As a result the claim must be sustained.

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

That the parties waived oral hearing;

That the **Carrier** and the **Employees** involved in this dispute are respectively Carrier and **Employees** 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 **Agreement** was violated.

A W A R D

Claim sustained.

NATIONAL RAILROAD **ADJUSTMENT** BOARD

By Order of Third Division

ATTEST:


Executive Secretary

Dated at Chicago, Illinois, this 28th day of **May** 1976.