

The Third Division consisted of the regular members and in addition Referee Elliott H. Goldstein when award was rendered.

(Brotherhood of Maintenance of Way Employees
PARTIES TO DISPUTE: (
(National Railroad Passenger Corporation
(Amtrak) - Northeast Corridor

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

(1) The Carrier violated the Agreement when it failed and refused to allow Trackman J. Vasquez holiday pay for Memorial Day (May 28, 1984) (System File NEC-BMWE-SD-1044).

(2) Because of the aforesaid violation, Trackman J. Vasquez shall be allowed eight (8) hours of pay at his straight time rate."

FINDINGS:

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

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employees 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.

On Friday, May 25, 1984, Claimant, a Trackman in Gang G-122 at Carrier's Penn Coach Yard in Philadelphia, Pennsylvania, was displaced from his position by a senior employee. Claimant thereafter invoked his seniority rights and on June 1, 1984, displaced a junior employee on a position also located at Carrier's Penn Coach Yard. The instant claim is for holiday pay for Memorial Day, May 28, 1984.

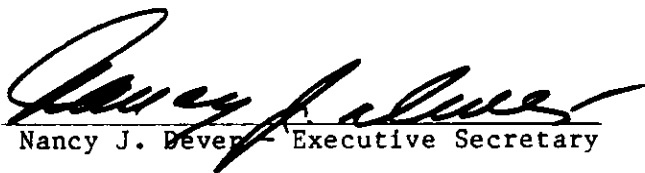
We have reviewed the facts and arguments in the parties' submissions to this Board. This claim arises under the same circumstances as fully set forth in Third Division Award 28232. The only difference from that Award is that the dates involved herein are slightly different. The principle involved is the same, however. We believe that the reasons set forth in the aforementioned Award are equally applicable to the claim herein, and, therefore, this claim is sustained.

A W A R D

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest:


Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 11th day of January 1990.