

The Third Division consisted of the regular members and in addition Referee George S. Roukis when award was rendered.

PARTIES TO DISPUTE: (Transportation Communications International Union
(The Atchison, Topeka and Santa Fe Railway Company

STATEMENT OF CLAIM: "Claim of the System Committee of the Brotherhood (GL-10185) that:

(a) Carrier violated the provisions of the current Clerks' Agreement when it failed or refused to properly compensate Mr. C. E. Dodd for holiday of May 26, 1986, and

(b) Mr. C. E. Dodd shall now be compensated for eight (8) hours' pay at the pro rata rate of Zoned Extra Board Position No. 6402 for May 26, 1986, in addition to any other compensation Claimant may have received for this day."

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.

In Third Division Award 28336, involving the same parties and the same issue, the Board held that an employee was not entitled to holiday compensation, if said employee worked under another Agreement. In the case at bar, an employee ordinarily covered under the Agreement, worked as a Train Dispatcher under the American Train Dispatchers Association Agreement on May 26, 1986, and sought holiday compensation pursuant to the applicable provisions of the Agreement.

We have reviewed the facts and arguments in the instant docket as well as the decisional reasoning of Third Division Award 28336 and the Labor Member's accompanying Dissent, but we find no basis for disturbing the recently issued Award. Third Division Award 28336 is controlling herein.

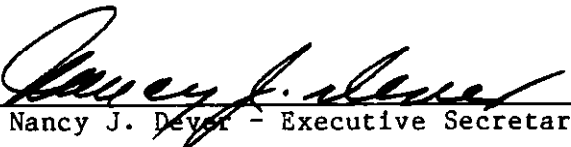
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Award No. 28439
Docket No. CL-27991
90-3-87-3-514

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: 
Nancy J. Dever - Executive Secretary

Dated at Chicago, Illinois, this 21st day of June 1990.