

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 33993
Docket No. CL-34659
00-3-98-3-325**

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

PARTIES TO DISPUTE: (Transportation Communications International Union
(CSX Transportation, Inc. (former Seaboard Coast Line
(Railroad Company)

STATEMENT OF CLAIM:

“Claim of the System Committee of the Organization (GL-12031) that:

1. Carrier violated the Clerical Agreement by denying Clerk S. Y. Burney holiday pay for December 31, 1996 (New Year's Eve Day), and January 1, 1997 (New Year's Day).
2. As a consequence, Carrier shall now be required to compensate Clerk Burney \$144.91 per day plus interest for the above days mentioned.”

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 employee 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 were given due notice of hearing thereon.

The Claimant was assigned Monday through Friday as a Customer Associate in the Customer Billing Office in Jacksonville, Florida. This claim was filed based on the contention Rule 26 was violated when the Claimant did not receive holiday pay for December 31, 1996 and January 1, 1997.

Under the unique facts and circumstances presented in the on-property record developed in this case, the Board finds that the Organization met its burden to demonstrate that the Claimant was entitled to holiday pay.

The Claimant shall therefore be paid for the holidays.

The Organization also requests interest on the payment for the days involved. That request is denied. The Board concurs with the Carrier's position that there is no Rule support for such relief.

AWARD

Claim sustained in accordance with the Findings.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) be made. The Carrier is ordered to make the Award effective on or before 30 days following the postmark date the Award is transmitted to the parties.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 19th day of April, 2000.