

Award No. 9091
Docket No. SG-8624

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Howard A. Johnson, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN OF AMERICA

**THE ATCHISON, TOPEKA AND SANTA FE RAILWAY
COMPANY—Eastern Lines**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen of America on the Atchison, Topeka and Santa Fe Railroad:

In behalf of Signalman C. A. Rankin for annual vacation of ten (10) consecutive work days during the calendar year 1955, or payment in lieu thereof.

EMPLOYES' STATEMENT OF FACTS: Signalman C. A. Rankin entered the service of this Carrier in the Signal Department on June 1, 1948, and worked continually in that department until he was inducted into the military service in 1950. Signalman C. A. Rankin worked one or more years of 160 days each before being inducted into the military service, thereby qualifying for one or more vacation periods prior to his being inducted into the military service.

After being released from the military service in November of 1954, and having complied with the terms of the so-called Military Agreement and applicable laws, he returned to the service of this Carrier in its Signal Department in November of 1954.

Signalman C. A. Rankin applied for a vacation for 1955 in accordance with policy adopted by this Carrier in 1945 and agreed to by the Brotherhood but was denied the vacation in 1955 on the grounds that the August 21, 1954, National Agreement cancelled this agreed-to policy which had been in force for ten years.

For ready reference, we quote the policy adopted by the Carrier and agreed to by the Brotherhood and which was furnished the General Chairman by Assistant to Vice President S. C. Kirkpatrick in his letter of November 1, 1945, as follows:

All that is contained herein has been both known and available to the Employees or their representatives.

(Exhibits not reproduced.)

OPINION OF BOARD: Claimant Rankin was in Carrier's service from June 1, 1948 to December 28, 1950, when he was inducted into military service. After his release from military duties he returned to Carrier's employ on November 30, 1954, and performed 23 days of compensated service there during 1954. The claim is that he was entitled to an annual vacation of ten consecutive work days in 1955, or payment in lieu thereof.

The facts, applicable Agreements, issues and contentions are precisely the same as in Award 9087 and necessitate the same conclusions.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

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 Carrier did not violate the Agreement.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 23rd day of November, 1959.