

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21086  
Docket Number MW-21087

William M. Edgett, Referee

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employes  
(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:

*A. W. Paulson*  
Executive Secretary

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