

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24021  
Docket Number MW-2469

PARTIES TO DISPUTE: (Brotherhood of Maintenance of Way Employees  
(  
(The Escanaba and Lake Superior Railroad Company

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 Messrs. C. Ahlskog, D. Latviss, W. Latviss, S. Mortomaki, R. Myllymaki, K. Lippens, P. Connolly, M. Beranek, M. Clairmont, T. Chudy, K. Lykins, L. Taylor and D. Deacon holiday pay for December 24, 1980 (Christmas Eve), December 25, 1980 (Christmas Day) and January 1, 1981 (New Year's Day) and when it failed and refused to allow Messrs. J. Walling and M. Wilcoxon holiday pay for December 24, 1980 (Christmas Eve) and December 25, 1980 (Christmas Day) [System File ELS-1711].

(2) Because of the aforesaid violation, the claimants (except Messrs. J. Walling and M. Wilcoxon) shall each be allowed twenty-four (24) hours of holiday pay at their respective straight-time rates and Claimants J. Walling and M. Wilcoxon shall each be allowed sixteen (16) hours of holiday pay at their respective straight-time rates."

OPINION OF BOARD: In this docket, the Carrier has failed to file an ex parte submission and failure to do so leaves the position and assertions of the Organization, which adequately support the claim, unchallenged and uncontroverted. The claim, therefore, must be sustained. (Award 14891)

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 had jurisdiction over the dispute involved herein; and

That the Agreement was violated.

Award Number 24021  
Docket Number MW-24699

A W A R D

Claim sustained as presented.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

Attest: Acting Executive Secretary  
National Railroad Adjustment Board

By Rosemarie Brasch  
Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 20th day of October 1982.

