

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 35184
Docket No. SG-34987
00-3-98-3-744**

The Third Division consisted of the regular members and in addition Referee Peter R. Meyers when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Union Pacific Railroad Company (former Missouri
Pacific)**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Union Pacific Railroad (former Missouri Pacific):

Claim on behalf of J. K. Sheehy for payment of 8 hours at the time and one-half rate, on account that the Carrier violated the current Signalmen’s Agreement, particularly the National Vacation Agreement, when it did not compensate the Claimant for a vacation day on September 2, 1996. Carrier’s File No. 1058558. General Chairman’s File No. 97-30-M-A. BRS File Case No. 10786-MP.”

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.

On February 3, 1997, the Organization filed a claim on behalf of the Claimant, contending that the Carrier violated the parties' Vacation Agreement when it failed to pay the Claimant eight hours vacation pay for the period September 2, 1996, on or before January 1, 1997.

This dispute is virtually the same as the one found in Third Division Award 35183, and will be disposed of on the same basis. The Board finds that the Carrier still owes the Claimant eight hours pay at the straight-time rate. The Organization has not set forth a sufficient basis for the time and one-half payment.

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 20th day of December, 2000.