

C O P Y

SPECIAL BOARD OF ADJUSTMENT NO. 173

Award No. 3  
Case No. 11

Parties to Dispute: Brotherhood of Railway and Steamship Clerks,  
Freight Handlers, Express and Station Employees

Union Pacific Railroad Company

Statement of Claim: "Claim of the System Committee of the Brotherhood of Railway  
and Steamship Clerks, Freight Handlers, Express and Station  
Employees that

"(1) Carrier violated Article 4 of the December 17, 1941 National Vacation Agreement when they required and insisted that Claimant Donald Kirchofer take his 1955 vacation from September 5 to September 9, 1955, both inclusive, instead of allowing him to select vacation period in accordance with Article 4(a), December 17, 1941 National Vacation Agreement.

"(2) Carrier shall now allow Donald Kirchofer an additional day's vacation or an additional day's pay."

Findings: The 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.

The Board has jurisdiction over the dispute involved herein. The parties to said dispute were given due notice of hearing thereon.

On his recall from furlough in April, 1955, after the vacation schedule already was arranged, claimant, the junior employee in the M.P.&M. Department was assigned the only vacation period remaining vacant, namely, the week of September 5 through September 9, 1955. He thereupon acknowledged his acceptance of same by signing the vacation schedule. Not until August did he register his dissatisfaction with this vacation scheduling.

The fact that the time so assigned included the Labor Day holiday is not a sufficient reason for disrupting the requirements of the service so as to accommodate claimant's long deferred vacation preference of September 19 through September 23, 1955.

The instant scheduling did not violate the December 17, 1941 Vacation Agreement. See Award No. 2, Case 7, Special Board of Adjustment No. 173.

Award: Claim denied.

Special Board of Adjustment No. 173.

/s/ Harold M. Gilden, Chairman

/s/ A. J. VanDercreek, Carrier Member

/s/ C. F. Bignall, Organization Member

Omaha, Nebraska  
December 26, 1957