

AWARD NO. 23

DOCKET NO. 23

GR.DIV.: 3414

SPECIAL BOARD OF ADJUSTMENT NO. 591

THE ORDER OF RAILROAD TELEGRAPHERS

VS.

READING COMPANY

STATEMENT
OF CLAIM:

"Claim of the General Committee of The Order of Railroad Telegraphers on the Reading Company that:

1. Carrier violated the agreement between the parties when it failed and refused to compensate Mr. Hildebrand, H. Sweigert, And R. Underkofler (retired in 1960 under the provisions of the Railroad Retirement Act), for vacation due.
2. Carrier shall be required to compensate M. Hildebrand, H. Sweigert, and R. Underkofler for three weeks' vacation allowance each."

FINDINGS:

In Third Division Award No. 7651, and others cited by the employes, the retiree had qualified for a 1954 vacation before his retirement in 1953 in accordance with the vacation agreement in effect when he was retired, and it was held that he was entitled to the greater vacation benefit provided by the 1954 Agreement effective January 1, 1954.

This is not such a case. Here the claimants had not qualified for a 1961 vacation under the agreement in effect when they retired in 1960. They were not thereafter employes subject to the agreement and, not having qualified for any 1961 vacation when the employment relation terminated, they cannot acquire any benefit under the 1961 agreement making provisions "effective with the calendar year 1961".

AWARD: Claim denied.

SPECIAL BOARD OF ADJUSTMENT NO. 591

/s/ Dudley E. Whiting

DUDLEY E. WHITING, CHAIRMAN

/s/ John T. Finnegan

JOHN T. FINNEGAN Dissenting
Organization Member

/s/ V. W. Bigelow

V. W. BIGELOW
Carrier Member

PHILADELPHIA, PA.

JAN 10 1966, 1965.