

Case No. 26  
Award No.

PUBLIC LAW BOARD NO. 959

Parties to Dispute:

United Transportation Union (E-C)

and

The Cincinnati, New Orleans and  
Texas Pacific Railway Company

Statement of Claim:

Claim of the following CNO&TP conductors for 100 miles  
at time and one-half rate as holiday pay:

Conductor C. R. Clevenger - December 25 and 26, 1965.

Conductor R. Miles - December 25, 1969.

Conductor R. A. Dupree - December 25, 1969.

Conductor W. L. Raines - January 1, 1970.

Conductor W. L. Raines - January 19, 1970.

Conductor J. H. Goldston - January 1, 1970.

Opinion of the Board:

This identical issue on this same Carrier has been before  
another Public Law Board for adjudication. Public Law Board  
868 rendered Award 30 on March 13, 1975 and this Board will  
follow that precedent in this case with this observation.

The issue to be determined is whether the claimants qualified  
for holiday pay under the terms of Article 4(c) of the applicable  
schedule.

The parties disagree on the status of claimants' assign-  
ments and therefore we will remand the claims of record to the  
parties to determine whether the claimants were regularly assigned  
to "carded runs" or whether they were in pool freight service.  
If they were in pool freight service, their claims will be denied.

On the other hand if they were regularly assigned "carded runs" and paid on a daily basis without a mileage component, their claims will be sustained.

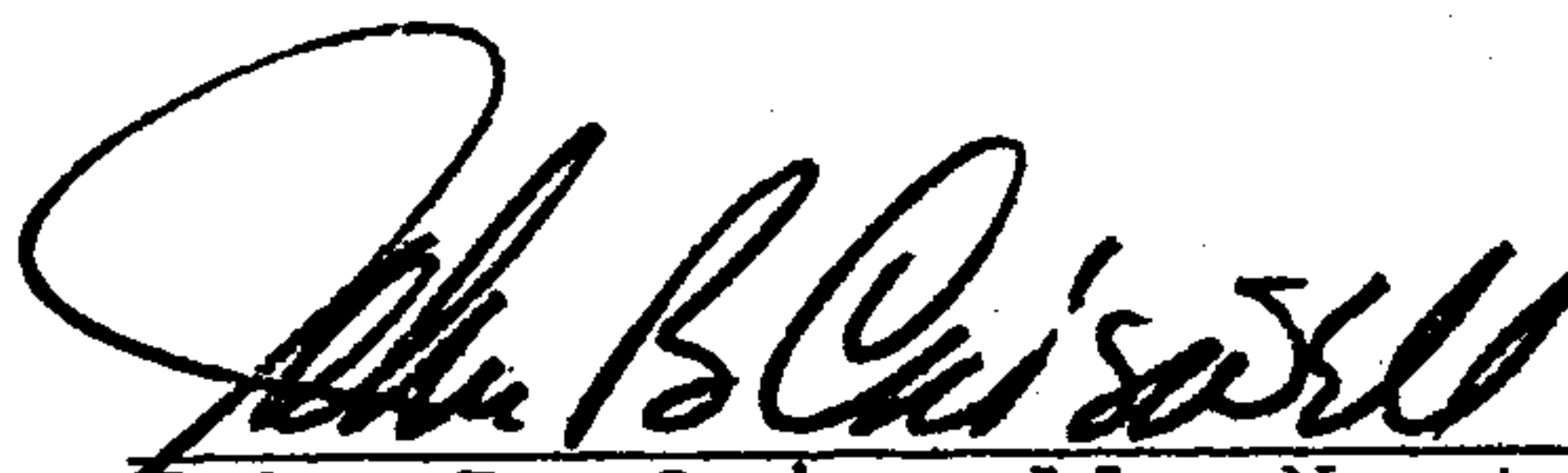
Findings:

That the Agreement was violated.


Award:

Claims sustained as per opinion of the Board.

Dated this *21<sup>st</sup>* day of *April*, 1978, at Washington, D.C.

  
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John B. Criswell, Neutral Member

  
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Thomas Parker, Jr., Carrier Member

  
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R. M. Gambrell, Organization Member.

Carrier Files: C-33126, C-33082  
Org. Files: CS-338-1-C, CS-338-2-C