

NATIONAL RAILROAD ADJUSTMENT BOARD
SECOND DIVISION

Award No. 12984
Docket No. 12818
96-2-93-2-185

The Second Division consisted of the regular members and in addition Referee Robert E. Peterson when award was rendered.

(International Association of Machinists
(and Aerospace Workers
PARTIES TO DISPUTE: (
(The Union Pacific Railroad Company

STATEMENT OF CLAIM:

"1. That the Missouri Pacific Railroad Company (hereinafter referred to as Carrier) violated the provisions of the vacation agreement of the Current Controlling Agreement as well as custom and past practice between the International Association of Machinists and the Missouri Pacific Railroad Company dated June 1, 1960, as subsequently revised and amended when it paid Machinist R. E. Swanger (hereinafter referred to as Claimant) his 1992 vacation pay in lieu of vacation and consequently denying Claimant his contractual right to his health insurance benefits associated with the Carrier's payment of his vacation.

2. That the Missouri Pacific Railroad Company adjust its vacation pay records to reflect that Claimant was paid his 1992 vacation pay as vacation pay. That the Carrier accord Claimant all benefits and credit toward railroad retirement."

FINDINGS:

The Second 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 waived right of appearance at hearing thereon.

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A dispute not unlike that here at issue, involving the same parties, but a different Claimant, was denied by the Board in Second Division Award 12827.

Certainly, some semblance of a stare decisis approach to like claims is desirable, especially where, as here, the Award cited in a prior case is found to be well reasoned and to rest on sound principles of contract interpretation. We will therefore endorse the findings of Award 12827 in holding that the instant claim be denied.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Dated at Chicago, Illinois, this 2nd day of February 1996.