

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 39893  
Docket No. MW-37658  
08-3-NRAB-00003-020790  
(02-3-790)

**PARTIES TO DISPUTE:** ( **(Brotherhood of Maintenance of Way Employes**  
**(BNSF Railway Company**

**STATEMENT OF CLAIM:** As shown in Docket No. MW-37658 and not repeated herein.

**FINDINGS:** The Third Division of the Adjustment Board finds:

That the dispute was certified to the Third Division of the Adjustment Board ex parte by the petitioning party; and

Under date of June 23, 2009, the petitioning party addressed a formal communication to the Arbitration Assistant requesting withdrawal of this case from further consideration by the Division which request is hereby granted.

**AWARD**

Claim withdrawn.

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

Dated at Chicago, Illinois, this 31st day of July 2009.