

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 39894
Docket No. MW-40098
09-3-NRAB-00003-070275**

PARTIES TO DISPUTE: (**(Brotherhood of Maintenance of Way Employes Division –
IBT Rail Conference
(
BNSF Railway Company**

STATEMENT OF CLAIM: **As shown in Docket No. MW-40098 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Claim withdrawn.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.