

Award No. 2752
Docket No. TE-2867

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

**THE ORDER OF RAILROAD TELEGRAPHERS
THE DELAWARE, LACKAWANNA AND WESTERN
RAILROAD COMPANY**

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna & Western Railroad, that Towerman F. Pierson was improperly disciplined, December 7, 1943, when fifteen demerits were placed against his record on charges that he was responsible for an accident occurring near his station two years previous thereto. It is the further claim of the General Committee that Pierson was not at fault in the accident which occurred near his place of employment on December 1, 1941, and that the said discipline of fifteen demerits shall be, as a result of the unfair and partial hearing on November 26, 1943, removed and his record cleared of the charges.

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 complainant party; and

That no hearing thereon has been held, and under date of December 12, 1944, the complainant party addressed a formal communication to the Secretary of the Third Division requesting withdrawal of this case, which request is hereby granted.

AWARD

Case dismissed.

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

**ATTEST: H. A. Johnson
Secretary**

Dated at Chicago, Illinois, this 19th day of December, 1944.