

**Award Number 3129**

**Docket Number TE-3263**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

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**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**

**THE DELAWARE, LACKAWANNA & WESTERN RAILROAD CO.**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna & Western Railroad Company that the Carrier acted in a capricious and arbitrary manner when on August 22, 1944, it assessed the personal record of Hilton S. Covey, towerman at Bridge-60, Scranton, Pennsylvania, with fifteen demerits, after an improper and unfair hearing on August 17, 1944, for alleged responsibility in the derailment of Engine 1644 in crossover switch No. 5 at Bridge-60 on August 11, 1944, and that the fifteen demerits thus assessed against the personal record of Hilton S. Covey shall be removed and his record entirely cleared of the charges made against him.

**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 February 27, 1946, 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 1st day of March, 1946.