

Award No. 5902  
Docket No. DC-5244

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

**UNION PACIFIC RAILROAD COMPANY**

Elliot G. Carner

**JOINT COUNCIL DINING CAR EMPLOYEES**

on behalf of

**Hotel and Restaurant Employees and Bartenders International Union**

**STATEMENT OF CLAIM:** Claim of the Union Pacific Railroad Company that:

(a) The dismissal on December 23, 1949, of Elliott G. Carner, former Waiter, was justified.

(b) The Carrier complied with and did not violate Rule 17, Adjustment Procedure, of the effective agreement, dated September 1, 1949.

**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 complainant party; and

That no hearing thereon has been held, and under date of July 24, 1952, the complainant party addressed a formal communication to the Acting 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:** (Sgd.) A. Ivan Tummon  
Acting Secretary

Dated at Chicago, Illinois, this 30th day of July, 1952.