

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 39638
Docket No. MW-40437
09-3-NRAB-00003-080292**

**(Brotherhood of Maintenance of Way Employes Division -
(IBT Rail Conference**

PARTIES TO DISPUTE: (

(Norfolk Southern Railway Company

**STATEMENT OF CLAIM: As shown in Docket No. MW-40437 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 February 26, 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Claim withdrawn.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 1st day of April 2009.