

****CORRECTED****

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 40357
Docket No. MW-40677
10-3-NRAB-00003-080541**

**(Brotherhood of Maintenance of Way Employees Division -
(IBT Rail Conference
PARTIES TO DISPUTE: (
(CP Rail System (former Delaware and Hudson
(Railway Company)**

**STATEMENT OF CLAIM: As shown in Docket No. MW-40677 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 December 7, 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Claim withdrawn.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 March 2010.