

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

Award No. 40358  
Docket No. MW-40678  
10-3-NRAB-00003-080549

(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-40678 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Claim withdrawn.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.