

Award No. 1227  
Docket No. MW-1399

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**  
**MISSOURI PACIFIC RAILROAD COMPANY**

**STATEMENT OF CLAIM:** "Claim of John Means, Assistant B. & B. Foreman, Eastern Division, demoted February 19, 1940, that he shall be reinstated to the position of Assistant B. & B. foreman, with full seniority rights as such, and paid the difference between what he has earned in other capacities and that which he would have earned as Assistant B. & B. foreman, had he not been demoted."

**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.

That no hearing thereon has been had, and under date of November 1, 1940 the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing this case.

**AWARD**

Case dismissed.

NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division

ATTEST: H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 4th day of November, 1940.

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