

**Award No. 2751**  
**Docket No. TE-2866**

**NATIONAL RAILROAD ADJUSTMENT BOARD**  
**THIRD DIVISION**

**PARTIES TO DISPUTE:**

**THE ORDER OF RAILROAD TELEGRAPHERS**  
**THE DELAWARE, LACKAWANNA AND WESTERN**  
**RAILROAD COMPANY**

**STATEMENT OF CLAIM:** Claim of the General Committee of The Order of Railroad Telegraphers on the Delaware, Lackawanna & Western Railroad that following receipt by the Carrier of Award No. 2380 of the Third Division, N. R. A. B., favorable to the petitioner, the Carrier representative arbitrarily and unreasonably on November 19, 1943, set a date of November 22, 1943, 9:30 A. M., as a time and date to investigate the responsibility of Towerman F. Pierson in an accident occurring December 1, 1941; that when the petitioner Pierson failed to report at the time set, giving as his reason that he was unable on such short notice to secure the presence of his representatives and witnesses, he was improperly disciplined on the alleged grounds of insubordination and suspended without pay for four days in violation of Rule 10 (a) of the Telegraphers' Agreement; that this discipline improperly administered shall be removed from Pierson's personal record and that he be reimbursed in the amount he would have earned during the four days' suspension from duty.

**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 complainant party; and

That no hearing thereon has been held, and under date of December 12, 1944, the complainant party addressed a formal communication to the 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:** H. A. Johnson  
Secretary

Dated at Chicago, Illinois, this 19th day of December, 1944.