

Award No. 2801
Docket No. DC-2876

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

PARTIES TO DISPUTE:

JOINT COUNCIL DINING CAR EMPLOYEES

**ATCHISON, TOPEKA AND SANTA FE
(FRED HARVEY SERVICE INC.)**

STATEMENT OF CLAIM: Claim of the Joint Council Dining Car Employees, Local 351, for and in behalf of Mr. A. J. Smith, that he be returned to service with seniority rights unbroken and accumulated, and with compensation to the extent suffered, as a result of wrongful and unjust dismissal in violation of Carrier's discretion and the rules of the current agreement.

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 February 7, 1945, the complainant party addressed a formal communication to the Secretary of the Third Division withdrawing 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 8th day of February, 1945.