

**Award No. 4382**  
**Docket No. CL-4639**

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

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**PARTIES TO DISPUTE:**

**BROTHERHOOD OF RAILWAY AND STEAMSHIP CLERKS,  
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

**DELAWARE, LACKAWANNA AND WESTERN RAILROAD  
COMPANY**

**STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood.

1. That the carrier violated the Clerks' Agreement when, upon notice of dismissal of Stanley Dudziak on August 26, 1948, it failed and refused to carry out the provisions contained in the second paragraph of Rule 47; and

2. That Stanley Dudziak shall be restored to service with seniority rights unimpaired and reimbursed for all time lost, including any overtime he would have been entitled to work had he not been arbitrarily taken out of service, retroactive to August 26, 1948.

**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; and

That no hearing thereon has been held, and under date of April 4, 1949, the complainant party addressed a formal communication to the Acting 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: A. I. Tummon**  
Acting Secretary

Dated at Chicago, Illinois, this 14th day of April, 1949.

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