

Award No. 4658  
Docket No. DC-4763

NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION

**PARTIES TO DISPUTE:**

UNITED TRANSPORT SERVICE EMPLOYES  
CHICAGO, BURLINGTON & QUINCY RAILROAD COMPANY

**STATEMENT OF CLAIM:** Claim is filed on behalf of E. J. Von Dickerson, former Waiter-in-Charge of the Dining Car Department of the Chicago, Burlington and Quincy Railroad Company, for restoration to service with no loss of seniority and pay for all time lost as a result of Carrier's arbitrary action in dismissing him from service after an investigation during which the charges against him were not proved.

This Organization contends that the Carrier's refusal to produce necessary witnesses as requested by the Organization and as specified by Rule 24 of the controlling agreement precluded the holding of a fair and impartial investigation as contemplated by the agreement.

**FINDINGS:** The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein;

That the dispute was certified to the Third Division of the Adjustment Board ex parte by complainant party; and

That hearing thereon has been held and concluded. Under date of November 23, 1949, the parties jointly addressed a formal communication to the Acting Secretary of the Third Division, requesting withdrawal of this case from further consideration by the Division, 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 9th day of December, 1949.