

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 39638  
Docket No. MW-40437  
09-3-NRAB-00003-080292**

**(Brotherhood of Maintenance of Way Employees Division -  
( IBT Rail Conference  
PARTIES TO DISPUTE: (  
(Norfolk Southern Railway Company**

**STATEMENT OF CLAIM: As shown in Docket No. MW-40437 and not  
repeated herein.**

**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 petitioning party; and**

**Under date of February 26, 2009, the petitioning party addressed a formal  
communication to the Arbitration Assistant requesting withdrawal of this case from  
further consideration by the Division which request is hereby granted.**

**AWARD**

**Claim withdrawn.**

**NATIONAL RAILROAD ADJUSTMENT BOARD  
By Order of Third Division**

**Dated at Chicago, Illinois, this 1st day of April 2009.**