

**NATIONAL RAILROAD ADJUSTMENT BOARD  
THIRD DIVISION**

**Award No. 39894  
Docket No. MW-40098  
09-3-NRAB-00003-070275**

**PARTIES TO DISPUTE:** ( **Brotherhood of Maintenance of Way Employes Division –  
IBT Rail Conference**  
( **BNSF Railway Company**

**STATEMENT OF CLAIM:** **As shown in Docket No. MW-40098 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 June 23, 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**Claim withdrawn.**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 31st day of July 2009.**