NATIONAL RAILROAD ADJUSTMENT BOARD THIRD DIVISION

Award No. 40073 Docket No. MW-40215 09-3-NRAB-00003-070439 (07-3-439)

(Brotherhood of Maintenance of Way Employes Division –

(ITB Rail Conference

PARTIES TO DISPUTE: (

(Union Pacific Railroad Company

STATEMENT OF CLAIM: As shown in Docket No. MW-40215 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 exparte by the petitioning party; and

Under date of September 9, 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Claim withdrawn.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 30th day of September 2009.