

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

**STATEMENT OF CLAIM:** As shown in Docket No. MW-40215 and not repeated herein.

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

## AWARD

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

**Dated at Chicago, Illinois, this 30th day of September 2009.**