Lizzie B. Barnes
Dorothy Barnett
Paul E. Best
Inez Beverly
Mary E. Beverly
Johnnie B. Bishop
Harris Boyd
Viola Boyd
Frances P. Brown
James W. Carver
Zella Cason
Mary Jane Clark
Harley Conner
Harvey Conner
Robert L. Corbett
Viola (Mrs. Robert) Corbett
Nezzie Crosby
Nellie Dowling
James F. Duggan
Elizabeth Ferguson
Lonnie Freeman
Marvin Gibson
Sam Golden
Early Gordon
Sara Higgs
Vienna Holmes
Pearlie Mae Houston
Rayfield Jones
Viola Jones
George R. Kennedy
Willie L. Kennedy
Nettie Kirkland
Fronnie Lee
Jim O. Lee
Sara P. May
William M. Merritt
James Norris
James Pittman
Fannie F. Roberts
Leavy G. Roberts
Lola L. Roberts
Etta Mae Rounds
John Roundtree
Bertha C. Russell
Johnny C. Sanders
Lewis Sheffield
Granville Simmons
Laverne Smith
Dicie Spells
William A. Sweat
Mamie (Marie) Taylor
Eugene Todd
James L. Tucker
Roosevelt Tucker
W. E. Tuten
Effie Tyson
Lillie Mae Walker
Marcus E. Walker
Myrtis Walker
Tom William Watkins
Maggie Tuten
W. E. Wilder
Fay Carver
R. E. Kirkland
Jesse J. Rowe
Elvin Tanner
Lucille Joyce
Lottie Giles

BANNER DIE FIXTURE COMPANY *and* LOCAL 155, UAW, CIO. *Case No. 7-CA-693. September 17, 1954*

Decision and Order Remanding Case to Regional Director

Pursuant to notice, a hearing was held in this proceeding at Detroit, Michigan, from September 15 to 24, 1953, inclusive, before Bertram G. Eadie, the duly designated Trial Examiner. On February 9, 1954, the Trial Examiner issued his Intermediate Report dismissing the complaint in its entirety. Thereafter, the General Counsel and the Charging Party (Local 155, UAW-CIO) filed exceptions and briefs, requesting a hearing *de novo*, in the event that the evidence in the record failed to sustain the allegations in the complaint, because of the Trial Examiner's alleged prejudicial errors in excluding relevant and material evidence which the General Counsel sought to introduce and for other reasons.

We have carefully examined the portions of the record cited by the General Counsel and the Charging Party, and have independently considered the entire record, including the Trial Examiner's Intermediate Report. On the basis of all the Trial Examiner's rulings at

the hearing, his findings in the Intermediate Report, and the record as a whole we find that the Trial Examiner's conduct of the hearing was substantially prejudicial to the General Counsel and that a new hearing is warranted. It is noted, *inter alia*, that the Trial Examiner refused to permit the General Counsel to present evidence intended to show the Company's knowledge of and attitude toward union activity prior to the layoff of December 26, 1951. His rulings were based on the fact that the evidence was related to events occurring more than 6 months before charges were filed and on other improper reasons. Such evidence was properly admissible.[1] We believe it essential that a Trial Examiner guard against limiting any party in the full development of its case, not only avoiding actual partiality or prejudgment but also avoiding even the *appearance* of unfairness.[2]

In accordance with the foregoing, we shall set aside the Intermediate Report and the hearing and shall remand this proceeding to the Regional Director for rehearing upon the complaint herein, or for such other disposition as the Regional Director may determine to be advisable under present conditions.

[The Board set aside the Intermediate Report and the hearing and remanded this proceeding to the Regional Director for a rehearing upon the complaint.]

MEMBERS MURDOCK and RODGERS took no part in the consideration of the above Decision and Order Remanding Case to Regional Director.

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[1] *N. L. R. B.* v. *Fredrica Clausen, d/b/a Luzerne Hide & Tallow,* 188 F. 2d 439 (C. A. 3), enfg. 89 NLRB 989, cert. denied 342 U. S. 868; see *N. L. R. B.* v. *Ozark Dam Constructors and Flippen Materials Co.,* 203 F. 2d 139, at 145–146 (C. A. 8), enfg. as modified 99 NLRB 1031.

[2] *Indianapolis Glove Company,* 88 NLRB 986, 987.

UNITED STATES GYPSUM COMPANY *and* UNITED GAS, COKE AND CHEMICAL WORKERS, CIO, PETITIONER. *Case No. 18–RC–2282. September 17, 1954*

Decision and Direction of Election

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Clarence A. Meter, hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

After the hearing, the Employer filed a motion to correct the transcript of the record. The Petitioner opposes the motion. In-