PARTIES  ( United Transportation Union (successor to Brotherhood of 
TO       ( Railroad Trainmen)
DISPUTE ( Seaboard Air Line Railroad Company

STATEMENT
OF CLAIM: "Claim is made for time lost by A. E. Barber, Yard Conductor, for 
time lost as result of 30 days' actual suspension assessed for 
violation of Rule 832 and 840, October 12th, 1958. The 30 days' 
suspension began November 6th, 1958 and ended December 5th, 1958, inclusive. 
Time lost is represented by A. E. Barber's tickets Nos. 1 thru 20 dated November 
8th, 1958 to December 3rd, 1958.

"Claim is also made for removal from record any reference made to this discipline."

FINDINGS: The First Division of the National Railroad Adjustment Board, 
upon the whole record and all the evidence, finds that the 
parties herein are carrier and employe within the meaning of the Railway 
Labor Act, as amended, and that this Division has jurisdiction.

Hearing was waived.

From the evidence, it is clear that Mr. Vaughan had concluded several days 
prior to the hearing that claimant was guilty and that he should admit this 
in the form of a written statement, thereby obviating the need for an investi-
gation.

These facts disqualified Mr. Vaughan as presiding officer of the investigation 
which followed, particularly since he had prejudged the case and entered testi-
mony against claimant. They prevented claimant from receiving a fair and 
impartial hearing.

For the above stated reasons, we find claimant was not afforded a fair and im-
partial investigation with Mr. Vaughan as the presiding officer and the discipline 
imposed must be set aside and the claim sustained. Awards of this Division in 
point here, are Nos. 8259, 8376, 10 616, 11 910, 15 656, 16 699, 19 378, 19 863, 
19 873, 20 335 and 21 398.

AWARD: Claim sustained.

DATED AT CHICAGO, ILLINOIS 