

In the Matter of Arbitration

Between)
)
Inland Steel Company) Grievance No. 8-M-5
) Appeal No. 1217
and) Award No. 620
)
United Steelworkers of) Opinion and Award
America, Local 1010)
)

Appearances:

For the Company

T. J. Peters, Arbitration Coordinator, Labor Relations
R. H. Ayres, Manager, Labor Relations, Industrial Relations
W. P. Boehler, Senior Labor Relations Representative
J. L. Federoff, Assistant Superintendent, Labor Relations
J. E. Blair, Senior Labor Relations Representative
M. Pratt, Plant Protection
L. Shoaf, Plant Protection
G. Kovan, General Foreman, Plant 2 Mills
R. Tomlinson, Foreman, Plant 2 Mills

For the Union

Theodore J. Rogus, Staff Representative
William E. Bennett, Chairman, Grievance Committee
John Hurley, Vice Chairman, Grievance Committee
George Johnson, Griever
Russlyn Hassell, Grievant
Dorothy Johnson, Witness

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The grievant is Russlyn Hassell who was last employed as an Expeditor Helper at the No. 3 Finishing End of the 28" Mill Finishing and Shipping Department of Plant No. 2 Mills.

This is a discharge case arising out of a serious altercation between two employees in the women's locker room in the 28" Mill Finishing and Shipping Department on December 21, 1974. Both employees were discharged on January 29, 1975, and both filed grievances charging lack of cause under Article 3, Section 1 and Article 8, Section 1 of the parties' 1974 collective bargaining agreement.

These grievances were processed and heard as separate cases although the evidence and argument in each has a definite bearing on the other, and the parties agreed that all such evidence and argument be incorporated into and considered part of both arbitrations.

There is no dispute over the fact that there was a fight growing out of an argument in the locker room during working hours and that severe injuries were sustained by one participant, Arlena Thomas, as a result of which she was removed to a hospital by ambulance, and some 65 sutures were used to close the cuts on her face.

The other participant was Russlyn Hassell, grievant in this case. This grievant asserts that she sustained scratches and bruises on her throat, although no medical attention was required.

There are, however, strong contradictions between the two grievants as to what happened. From the testimony offered by both, it is agreed that at about 3 p.m. on the evening in question Arlena Thomas became engaged in an argument over personal matters with another employee, Dorothy Johnson. Ms. Johnson left the locker room and returned shortly with Grievant, Russlyn Hassell, who promptly entered into a heated argument with Ms. Thomas, after telling Ms. Johnson to keep her pressure down.

Ms. Hassell asserts that Ms. Thomas suddenly without warning grabbed her by the throat and began choking her whereupon Ms. Hassell reached with her right hand into the left pocket of her jacket, pulled out a sharp cutting instrument she had fashioned for self-defense purposes, and slashed Ms. Thomas repeatedly across the face inflicting the injuries described above.

Ms. Thomas, on the other hand, insists she did not attack Ms. Hassell at all. She says Ms. Hassell in the course of their argument kept poking her finger close to Ms. Thomas' face, and when cautioned to stop doing so proceeded to jab her finger into the other's nose. Ms. Thomas maintains she merely threw up her arms to ward off these jabs and was immediately attacked and cut across the face by Ms. Hassell.

In evaluating the credibility of these conflicting versions, one is not helped by the positions of the Company or the Union in the two cases. The Company relied in both cases on 102a. of the Company's General Rules for Safety and Personal Conduct which declares that fighting or attempting bodily injury to another employee may be cause for discharge. By its decision to discharge Ms. Hassell it must have declined to accept her claims that she was being choked and acted only in self-defense. The discharge of Ms. Thomas, on the other hand, had the clear implication that she provoked Ms. Hassell ostensibly by some form of physical attack. The Union, on the other hand, asserts self-defense on behalf of Ms. Hassell and at the same time maintains that Ms. Thomas did not commit the acts which Ms. Hassell charges provoked the fight and caused her to take the

extreme course of slashing her face.

As presented and evaluated in both cases, the evidence offered on behalf of Ms. Thomas is far more believable. In its basic features it has remained consistent throughout. She made her first statement to Capt. Pratt of Plant Protection two days after the incident, and she signed the statement and has adhered to it ever since.

Ms. Hassell, on the other hand, first stated she had no knowledge of how Ms. Thomas' injuries were incurred. On December 26, five days after, she repeated this in reply to Capt. Pratt's questions, still professing ignorance. A week later, on January 3, 1975, she completely changed her story, giving the version that she had fought with Ms. Thomas and had cut her face in self-defense. Ms. Hassell and Ms. Dorothy Johnson, at whose behest she intervened in the argument, agreed they would say they did not know how Ms. Thomas was injured. Ms. Hassell and Ms. Johnson both testified to this, saying that another employee, Margaret Richards told them Ms. Thomas had told her to say nothing. At our hearing Ms. Richards completely denied this, and so did Ms. Thomas. In fact, several days before Ms. Hassell gave Capt. Pratt her statement of December 26, Ms. Thomas had already told him about the altercation.

It is also of significance that although Ms. Hassell explained that she had the cutting instrument fashioned for the purpose of protecting herself when she went to the parking lot at night after work, she had it with her in her work clothes, rather than leaving it in her street clothes in her locker, when she hurried in to join in the Johnson-Thomas argument. It is also noteworthy that although she insisted that she was suddenly grabbed around her body and was being choked by Ms. Thomas, she claims she was able to reach with her right hand around to her left pocket, take out the weapon and slash Ms. Thomas repeatedly across the face.

Ms. Hassell and Ms. Johnson both testified that they accidentally met after Ms. Johnson left the locker room. In fact, it was testified by another employee that Ms. Johnson went hurriedly to where Ms. Hassell works and that they promptly moved together toward the locker room, where the argument was resumed and the fight took place.

In the course of analyzing the quality of the testimony, we find some other testimony by Ms. Hassell which seems hard to believe. The Company gave as a second reason for her discharge the fact that in the course of investigating the fight Plant Protection found a partially filled bottle of whiskey in her locker. This violated 102d. of the Rules for General Safety and Personal Conduct, which may subject an employee to discipline and possible discharge for being in possession of, or bringing intoxicating liquors into the plant. Her explanation was that some six months before somebody had given her this bottle which she intended to fill with an inferior kind of liquor for use at her home. In the face of the clear prohibition in Rule 102d., one can well wonder about such an ex-

planation, and particularly the willingness to leave this forbidden item in her locker for all these months.

On the whole, in their appearance and presentations at our hearings, those who appeared on behalf of Ms. Thomas seemed the more trustworthy and straightforward.

On the basis of the comparative quality of the evidence offered on behalf of these two employees, I do not deem it necessary to consider whether the provocation charged against Ms. Thomas in fact justified the extreme over-reaction of Ms. Hassell. I find it most difficult to accept the Hassell description of what actually happened.

AWARD

The grievance of Russlyn Hassell is denied.

Dated: August 15, 1975

/s/ David L. Cole

David L. Cole, Permanent Arbitrator

The chronology of this grievance is as follows:

Grievance filed (Step 3)	February 1, 1975
Step 3 hearing	February 14, 1975
Step 3 minutes	February 28, 1975
Step 4 appeal	March 11, 1975
Step 4 hearing	March 14, 1975 April 3, 1975 April 10, 1975
Step 4 minutes	May 13, 1975
Arbitration appeal	May 15, 1975
Arbitration hearing	July 28, 1975
Arbitration award	August 15, 1975