

INLAND STEEL COMPANY

-and-

UNITED STEELWORKERS OF AMERICA
Local Union 1010

) Grievance No. 11-J-51
) Appeal No. 1181
) Award No. 590

Appearances:

For the Company

J. T. Hewitt, Senior Representative, Labor Relations
T. R. Tikalsky, Assistant Superintendent, Labor Relations
G. F. Talanian, Superintendent, 100" Plate Mill
J. W. Ryan, Representative, Labor Relations
D. Krause, Witness
G. Jansky, Witness
G. Tanaglos, Foreman, 100" Plate Mill
A. A. Jones, Representative, Labor Relations

For the Union

Peter Calacci, International Staff Representative
James Ealanoff, Chairman, Grievance Committee
Jaime Martinez, Grievance Man, Plate Mill
James King, Grievant

The grievant worked in the 100" Plate Mill Department as a Crane Operator in the Slab Dock. Because of some incidents on the 4-12 turn of April 9, 1957 he was suspended on April 14. A suspension hearing was conducted on April 17, and on April 21 he was discharged. The reason was that he had resisted normal instructions and had abused and struck the Stock Recorder, D. Krause.

The grievance questioned whether there was cause for this disciplinary action under Article 3, Section 1 and Article 8, Section 1 of the Agreement.

The central issue is one of credibility. The Stock Recorder and his helper or Charger, George Jansky, testified to a series of events. The Stock Recorder also described in detail how the grievant followed him out of the shack where Krause had gone to try to telephone the foreman and struck him on the jaw, knocking him down, and how he thereafter went to the clinic for examination and treatment.

The grievant completely denied almost every statement made by the other two employees. It becomes necessary therefore to see whether there is other evidence or some means of ascertaining where the truth lay.

Krause tried to direct the grievant who was moving a slab with his crane. Grievant dropped the slab some ten feet and came down from his crane.

when he observed Krause making what he considered a derogatory gesture and remark. He claims that he simply got his lunch and went upstairs, and did not speak to Krause again. Both Krause and Jansky say he abused Krause in a profane manner, followed him into the shack and pulled the telephone out of his hands, and then followed him out of the other side of the shack. It was there that grievant is charged with striking Krause although Jansky did not see this. The clinic report, however, indicates that Krause had contusions on the side of his face.

Both Krause and Jansky testified there was a delay because the cable on grievant's crane broke. The grievant denied this, but the electrical record shows there was a cable spliced at the time alleged. He also denied he had ever been in trouble at the plant because of making physical threats, but the record shows that several years before he had been reprimanded for threatening his foreman and had not even filed a grievance in protest of this reprimand.

At first grievant denied even seeing Krause between 5 and 8 p.m. on the day in question, but at his suspension hearing he admitted he had a brief verbal exchange there with him.

Normally, fellow employees prefer not to testify against one when a disciplinary penalty is under challenge. Here two employees did testify, and their description of what occurred is far more plausible than the categorical denials of the grievant, for it is supported by other facts or circumstances in part, and at least part of grievant's testimony, consisting mainly of denials, has been shown to be inaccurate. This casts such doubt on his version of what happened as to lead to the conclusion that the other version is the correct one.

It is hardly necessary at this late stage to repeat the declarations which have been made many times about the seriousness of the offense of fighting in a steel plant. On the evidence before us, the finding is that grievant started a fight and struck a fellow employee.

AWARD

This grievance is denied.

Dated: November 21, 1967

/s/ David L. Cole
David L. Cole, Permanent Arbitrator