



The other participant, Ms. Hassell, was also discharged. Both filed grievances questioning whether the Company had cause for taking the indicated action within the meaning of Article 3, Section 1 and Article 8, Section 1 of the current collective bargaining agreement. The awards in both cases are being released at the same time.

While separate hearings were conducted, the Company and the Union agreed that the evidence and arguments in each be incorporated by reference in the other, and that all of it be considered in arriving at both determinations.

The relevant facts are described in Award No. 620 in which Ms. Hassell's Grievance No. 8-M-5 was held to have been properly denied. She had contended that she acted in self-defense when she cut Arlena Thomas across the face, necessitating Ms. Thomas' removal to a hospital and 65 stitches.

On the basis of the conflicting testimony, which is discussed in Award No. 620, the findings were that Ms. Thomas did not provoke Ms. Hassell by a physical attack as charged, that Ms. Hassell failed to prove any such attack by credible evidence, and that on behalf of Ms. Thomas it was proven that Ms. Hassell had no justification for attacking Ms. Thomas with a dangerous weapon and inflicting the serious injuries described.

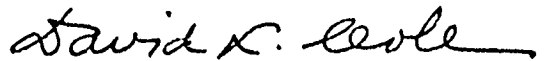
One cannot really question the Company's right to prohibit fighting or to promulgate and enforce as one of its General Safety Rules its Rule 100a. which declares that one of the offenses which may be cause for discipline and discharge is fighting or attempting bodily injury to another employec. It has had such a rule and such a policy for years.

On the other hand, to apply such a rule to an employee who is attacked in the manner and under the circumstances described in this instance, as detailed in Award No. 620, would be patently unfair and unjustified. One who is subjected to an attack of the kind experienced in this case, can surely not be disciplined for having engaged in a fight in violation of Rule 102a. It follows that the Company did not have cause for disciplining and discharging this grievant.

#### AWARD

The grievance of Arlena Thomas is granted.

Dated: August 15, 1975



David L. Cole, Permanent Arbitrator

The chronology of this grievance is as follows:

Grievance filed (Step 3)	February 3, 1975
Step 3 hearing	February 13, 1975
Step 3 minutes	February 27, 1975
Step 4 appeal	March 11, 1975
Step 4 hearing	March 14, 1975 April 3, 1975 April 10, 1975
Step 4 minutes	May 7, 1975
Arbitration appeal	May 14, 1975
Arbitration hearing	July 28, 1975
Arbitration Award	August 15, 1975