

ARBITRATION
BENCH DECISION AND AWARD

493-E4

Arbitrator: Patricia Thomas Bittel

State of Ohio

Grievance No. 24-04-(11-16-88)-100-
01-04

Department Mental Retardation &
Developmental Disabilities
Union OCSEA

Grievant Charles Bell

Date of Hearing 9-24-90

Issue(s): Was the two day suspension for
just cause? If not, what shall the
remedy be?

Appearances:

For the Employer: (Advocate) James C Spain
Witnesses: Pat Loader, Ralph McMillen

For the Union: (Advocate) John Gersper
Witness: Charles Bell

AWARD: The grievance is sustained. Grievant's
story is credible; he was provoked both
physically and verbally and reacted
reasonably when he put McMillen
down. The allegation that he choked
McMillen is unconvincing. He attempted
to avoid a confrontation by withdrawing
at least twice. His suspension was
without just cause.

Grievant will receive two
days back pay and his record will
be expunged of all references to the incident.

Issued at Columbus, OH

Patricia Thomas Bittel
Arbitrator's Signature

9-24-90
Date