

## BENCH DECISION AND AWARD

ARBITRATOR: WASHINGTON, DWIGHT A

HEARING DATE: OCTOBER 7, 1997

GRIEVANT: NEAL NOLAN

GRIEVANCE #: 27-21-960702-1323-01-03

DEPARTMENT: CORRECTIONS

UNION: OCSEA

MANAGEMENT ADVOCATE: JOAN McNALLY

UNION ADVOCATE: DON SARGENT

### ISSUE

WAS THE FIVE (5) DAY SUSPENSION RECEIVED BY THE GRIEVANT FOR JUST CAUSE? IF NOT, WHAT SHALL THE REMEDY BE?

### AWARD

THE WEIGHT OF EVIDENCE FAILS TO DEMONSTRATE THAT THE GRIEVANT WAS PRESENT AND/OR PARTICIPATED ON JANUARY 15, 1996 WITH OTHER CORRECTIONAL OFFICERS IN RESTRAINING AN INMATE IN HIS CELL. AS A RESULT, OF THE ABOVE THE EVIDENCE DOES <sup>NOT</sup> SUPPORT A VIOLATION OF RULE #8 OR RULE #29. THE GRIEVANT WILL RECEIVE 5 DAYS BACK PAY AND THE REMOVAL OF THIS DISCIPLINE FROM THE PERSONNEL FILE OF THE GRIEVANT!

ISSUED AT: ORIENT CORRECTIONAL FACILITY  
DATE: 10-7-97

ARBITRATOR'S SIGNATURE:

