

Grissom #6

VOLUNTARY LABOR ARBITRATION
TERMINATION APPEAL PROCEDURE

IN THE MATTER OF THE ARBITRATION BETWEEN:

EMPLOYER, INC., EMPLOYER

AND

EMPLOYEE, APPELLANT

DAVID W. GRISSOM

ARBITRATOR

ARBITRATION OPINION AND AWARD

This Arbitration took place on the dates of July 19 and October 10, 1994 at the HOTEL A and the HOTEL B in City A, Michigan respectively. The proceedings were conducted under Employer's Termination and Appeal Procedure. The Hearing was concluded on October 10, 1994. Pursuant to the receipt of the official transcript of these proceedings and Post-Hearing Briefs, this Arbitration Opinion and Award is rendered.

FACTS

This Appeal arises from the discharge of Mr. Employee effective September 20, 1993 for the alleged violation of Employer's Honesty Policy (see Loss Prevention Training - Manual of Conduct -Employer Exhibit #5). More specifically, the grounds for Mr. Employee's termination were that in March 1993, he purportedly falsified an official report by omitting material information there from. At all times pertinent, Mr. Employee, hired in November 1988, was a Loss Prevention Manager at Store No. 52 in East City A, Michigan. He was the Loss Prevention Manager at Store No. 24 in City A at the time of his discharge in September 1993.

The incident that led to Mr. Employee's discharge occurred on March 25, 1993 as described from the Employer's standpoint by Store Detective Person 1. Mr. Employee was her immediate supervisor. These events were also explained by Appellant Employee from his own point of view during his Arbitration testimony. Accordingly, the pertinent developments of March 25, 1993, largely not in dispute, are set out below.

At approximately 6:00 P.M., Store Detective Person 1, having punched out for the day, was leaving Store No. 52 through the central doors when she encountered Hardlines Manager Person 2 talking to a female person near the East exit. Momentarily, this individual (suspect) started to run and Mr. Person 2 told Ms. Person 1 to give chase. The suspect ran across the East parking lot, climbed over a snow bank adjacent to Road A (a four (4) lane street), crossed the street and wound up on the property of an apartment complex where she dropped to the ground exhausted. It is not in, dispute that as later confirmed, the suspect had fled because Mr. Person 2 had confronted her on the matter of a thermostat she had been suspected of shoplifting (TR. 21-24).

According to the testimony of Detective Person 1, events further transpired as follows. She ran after the suspect, skirting the snow bank by going around it on the sidewalk to the intersection. In hasty pursuit, she crossed Road A thereby leaving Employer property until she found herself standing over the suspect at a distance of about six (6) or seven (7) feet. Ms. Person 1 has testified that as she ran after the suspect, she noticed that Mr. Employee was running behind her and when she arrived at the scene of the fallen suspect, he had caught up and was standing in close proximity to her. Additionally, Ms. Person 1 testified that Mr. Employee then handcuffed the suspect, recovered the thermostat and escorted her back to the store. In the meantime, Ms. Person 3, a Store Detective Intern, appeared at some point on the trip back across

the parking lot. Detective Person 1 thereupon advised Mr. Employee that since she had already punched out, she was going directly home. Mr. Employee proceeded to the Loss Prevention Office with the suspect and Ms. Person 3. A diagram depicting the chase and the configuration of Store No. 52, the exits, the parking lots, Road A and the point at which the suspect was apprehended, is in the record as Employer Exhibit #1. Ms. Person 1 and later Mr. Employee made reference to this diagram (TR. 25-33; 275-317).

It is undisputed that in apprehending the suspect, Store Detective Person 1 proceeded off Employer property. It is also not in dispute that Appellant Employee crossed Road A, leaving the Employer premises as he followed Ms. Person 1 and the suspect and ultimately handcuffed the suspect on private property. Mr. Employee has testified that there was justification for such action relating to the safety of Ms. Person 1 and the suspect. This explanation will be addressed later.

In support of the Employer's decision to discharge Appellant Employee, Ms. Person 1 testified that Employer policy prohibits Loss Prevention employees from pursuing shoplifters off Employer property. This also is a fact not in dispute. Instead, if the suspect is seen leaving Employer property, the employee is expected to ascertain the general direction of the exit or flight and notify the police. Ms. Person 1 testified that this is an important aspect of Loss Prevention training (TR. 34).

In this connection, the required responses and limitations on Loss Prevention personnel are set forth in Employer's Loss Prevention Training packet at pages 31, 32, 34 and 35, to wit (Appellant Exhibit #2):

The following are circumstances that Loss Prevention Associates may encounter. The proper method for handling each situation is described.

• • • •

G. Subject runs upon approach.

Disengage and call the police. Loss Prevention Associates may not run after subjects. If the detective must run to catch the subject the detective must disengage.

The only exceptions to this are:

An arrestible crime against a person occurs.

The first priority is the victim. If the victim can be helped and the subject arrested then make the arrest. The theft is over \$300 in value. A Pursuit Bulletin exists.

In all of the exceptions all trained techniques may be used to arrest the subject.

N. Following a subject.

No Employer associate should leave Employer property to follow a subject unless they are in the company of a police officer working in the store's jurisdiction or they have prior Corporate Loss Prevention Approval. This includes following in any fashion (vehicle or on foot).

R. Property Line

Negotiation may continue to the uninterrupted Employer property line. Employer associates may not leave Employer property unless a life threatening situation exists.

Store Detective Person 1 further testified as follows: The next day, March 26, 1993, she prepared a report of the incident (Employer Exhibits #2a and b). Before filling out the Employer Loss Prevention form (LP1087) which is used to report shoplifting offenses, and prior to her preparation of a narrative write-up of the subject events, she asked Mr. Employee how he wished her report to be written. According to Ms. Person 1, Mr. Employee replied, "Haven't you heard of creative writing 101?" (TR. 36) Moreover, Mr. Employee is alleged by Ms. Person 1 to have further stated that she should prepare a brief report and take credit for the apprehension.

Detective Person 1 then testified that after she had read Mr. Employee's report dated March 25, 1993 (Employer Exhibit #2c) and observed that it contained no mention of having gone off

Employer property during the transactions involving the pursuit of the shoplifter, she assumed that she also was to leave that fact out of her own report. She has advised that when she was given the form by Mr. Employee, most of the pertinent information was already entered thereon i.e. name of suspect, address and other personal data as well as the merchandise stolen and its value. Therefore, Ms. Person 1 only wrote in the names of the employees involved (witnesses); herself, Mr. Employee, Mr. Person 2 and Ms. Person 3 and then signed the form (Employer Exhibit #2a). She wrote nothing in the lower right hand corner where there is a designated space for the time of apprehension and "Place." This box was later filled in to read "6:15 P.M./EAST EXIT." Ms. Person 1 also wrote a one (1) page Supplemental/Incident Report in which she described the incident, including the chase and Mr. Employee's involvement - stating falsely that the suspect was apprehended when she slipped on some "ice hills" at the "end of our lot" (Employer Exhibit #2b) (TR. 37-41).

As already specified, Appellant Employee also filed a report on the incident. The precise words of his report (3/25/93) are as follows (Employer Exhibit #2c):

NATURE OF INCIDENT: RETAIL FRAUD

On the above date at 6:10 P.M., I, Loss Prevention Manager Employee, was paged to the East Exit. On arrival, I observed Store Detective Person 1 following a subject at the end of the East lot. The subject stopped and _____ and I walked up to her. Subject _____, she had taken Thermostat Key 880 for 24.96 and we returned inside. Detective Person 3 was also present in the office until East City A Police Officer Person 4 arrived.

A personal history form was completed. A voluntary statement was prepared and offered and subject identified as Person 5, signed the statement. A civil fine of \$100.00 was requested. An apprehension and _____ check showed no prior records. Person 4 then took custody of Person 5. The evidence was photographed and released.¹

The above cited report omits the fact that the apprehension of the shoplifting suspect on March 25, 1993 took place off Employer property.

¹ Blank spaces indicate undecipherable words.

The record evidence also establishes that Store Detective Intern Person 3 prepared an Incident Report in which she stated that, "Subject was stopped at East entrance but refused to go back in the store. Subject ran but was brought back in the store to the L.P. office" (Employer Exhibit #2d). This report makes no reference to the suspect's apprehension occurring off Employer property but as the evidence reveals, Ms. Person 3 was well aware that both Ms. Person 1 and Mr. Employee crossed Road A to apprehend the suspect.

Hardlines Manager Person 2 additionally wrote a report on the matter now under review (Employer Exhibit #2f). He explained how he had followed the suspect in the store and confronted her outside the building. He then wrote that ". . . she took off in a full run out of the parking lot."

The above described reports were compiled and forwarded to the Corporate Loss Prevention Department in Grand Rapids. Note that the only report that arguably reflects that the March 25, 1993 transactions might have occurred off Employer property was Mr. Person 2's statement regarding the suspect running "out of the parking lot" but this statement still does not represent a clear indication that in fact, it did. Appellant Employee has testified that he did not review any of the other reports prior to their being sent to Corporate Headquarters (TR. 303).

Back to the testimony of Store Detective Person 1. She advised that in September 1993, she was interviewed by Corporate Investigator Person 6 and Loss Prevention Manager Person 7 - who became her boss when Mr. Employee was transferred to Store No. 24 about two (2) months before the interview. During this interview, Ms. Person 1 admitted that she had gone off Employer property in the matter of the Person 5 apprehension on March 25, 1993. She was asked to write another statement and did (Employer Exhibit #3). In this report -which is undated and unsigned, Ms. Person 1 in pertinent part, states that while chasing the suspect, "I then noticed

Employee (Employee) catching up with me" and that after the suspect slipped on the snow bank, ". . . she crossed the street and I yelled for her to stop . . ." This report further states that Ms. Person 1 "crossed the street to get a general direction" and that Mr. Employee met her as the apprehension was made (TR. 43-46).

As the result of her acknowledged pursuit of the suspect off Employer property and the omission of that important fact in her March 1993 reports (Employer Exhibits #2a and b), Ms. Person 1 was issued a Written Warning in the following terms (Employer Exhibit #4):

The reason for the report is: To address your actions on March 25, 1993

On March 25, 1993, you pursued a subject across the Employer property line. When writing your report, you omitted this fact. This is viewed as dishonesty and normally would result in termination.

Furthermore, when making the stop, you were in violation of the following Loss Prevention training guidelines:

1. Made an apprehension without obtaining proper information prior to pursuing.
2. Made solo stop.
3. Pursued off Employer property.

Person 1, due to management's knowledge and failure to respond to the above violations, we are waiving termination. So there is no misunderstanding in the future, any falsification of reports or any violation of the honesty policy will result in termination of your employment. Any future training violations will result in discipline up to and including termination.

On cross-examination, Ms. Person 1 acknowledged that Appellant Employee never actually told her not to put the "off Employer property" notation in her reports. However, she did reinforce her direct testimony regarding Mr. Employee's proximity to her during and immediately after the chase; that he was first seen by her across the street (Road A) and momentarily he was there right behind and beside her (TR. 48-65). In response to the Written Warning issued to her, Ms. Person 1 advised that she was "off the clock" on March 25, 1993

when the situation arose and in any event, had been directed by a Store Manager to give chase (see statement attached to Written Warning -Employer Exhibit #4).

The Employer offered the testimony of OMP Relations Specialist Person 8 and former Store Detective Intern Person 3 in further support for its position that the discharge was for just cause. The testimony of these witnesses will be addressed inversely.

Ms. Person 3, who like Ms. Person 1, was supervised by Mr. Employee at Store No. 52, resigned in August 1993. As earlier denoted, she had observed both Ms. Person 1 and Mr. Employee across Road A on March 25, 1993. As her report states, she saw them from a vantage point atop the snow bank (Employer Exhibit #2d). Ms. Person 3 testified that there is no mention therein that the apprehension took place off Employer property because when she asked Appellant Employee what to put in her report, he said, "It never happened" (TR. 236). Ms. Person 3 further testified that pursuant to an exit interview by Ms. Person 9 of Corporate Personnel, she provided the accurate information on the shoplifting incident involving her former boss, Mr. Employee and also alleged that Mr. Employee had failed to train her and had personally harassed her (TR. 240-259). These revelations and allegations precipitated an investigation at the corporate level in September 1993.

The Matters immediately described above were referred to the attention of OMP Relations Specialist Person 8. A major responsibility of his Office is to review terminations and other forms of discipline and to make recommendations to top level Management. Mr. Person 8 testified that he investigated Appellant Employee's previous conduct and recommended his discharge (TR. 135). First, reference was made to the Employer's Honesty Policy embodied in Employer's Loss Prevention Training - Code of Conduct Manual (Employer Exhibit #5). Mr.

Person 8 is responsible for the enforcement of this Policy. The precise language of the Honesty Policy is set out below (page 5).

3. Honesty.

In order to be a strong and healthy Employer, we depend on you to be totally honest. As a Loss Prevention associate, the Employer believes your position requires that your credibility be beyond question. Therefore, the Employer feels that you should be totally honest when dealing with associates, customers and Employer officials. It also requires that all written reports be totally factual in their content. Falsification of a written report is grounds for disciplinary action up to and including termination.

Dishonest associates hurt everyone. They can jeopardize everyone's job security through their actions. If you should become aware of anyone who is dishonest, it is your responsibility to inform the appropriate Employer official. In some instances, it may be necessary to investigate dishonesty on the part of a fellow associate within your department. In these cases, the Employer expects you to put your personal loyalties aside and to set in the best interest of the Employer. Honesty is the measure of success for all Loss Prevention associates.

Pursuant to the Person 3 allegations, Appellant Employee was interviewed by Mr. Person 8 and Corporate Investigator Person 6 on September 13, 1993 at Store No. 24 in the Loss Prevention Office, Mr. Employee's place of employment at the time. The upshot was that when pointedly questioned about the March 25, 1993 incident, Mr. Employee admitted that he had gone off Employer property to apprehend the shoplifting suspect and further acknowledged that none of the reports on the matter, including his, reflected that fact. Mr. Employee also advised Mr. Person 8 that he never instructed Ms. Person 1 or Ms. Person 3 on what to write in their reports. The relevant portion of the Person 8/Employee interview is set forth in Mr. Person 8' September 13, 1993 report (Appellant Exhibit #3). At page 4:

I then asked Employee if he was aware or involved in any apprehensions off from Employer property. Employee said yes he was. I asked him if the incident was with Person 1 and Person 3. Employee said yes there was a situation where Person 1 had a runner and she pursued the subject to the end of the property. Then she went across the street. Employee said Person 1 was gone off the property when he came out the door. He said he could not locate her so he went looking for her. He found her off Employer property. He said when he found Person 1, she had the individual apprehended. I asked

Employee if Person 1 was ever disciplined for going off of Employer property. Employee said no, I guess I failed in my responsibility. Employee went on to say that he thought that he could deviate from procedure if management felt it necessary. I then asked Employee if the report that Person 1 filled out reflected that she went off Employer property. Employee said no. I asked Employee if his report reflected that they went off Employer property. Employee said no. I asked Employee why not. Employee said that he didn't think it was important to include on his report. I asked Employee were others involved. Employee said yes, Person 2. Employee went on to tell me that Person 2 saw concealment of a thermostat and that he made a stop outside the doors. He said Person 1 was off the clock and walking by. When Person 2 approached this individual, she took off running. Person 2 instructed Person 1 to follow. I then asked Employee if he ever told Person 3 what to write in the report. He said no. I then asked Employee if he ever told Person 3 that we never went off Employer property in reference to her report. Employee said no, absolutely not. Employee told me that there was no discussion about what to write in the reports.

It is importantly noted that when asked by Mr. Person 8 why he had omitted the fact that he had gone off Employer property to make the apprehension on March 25, 1993, Mr. Employee advised that he did not think it was an important factor.

During the interview, Mr. Person 8 made specific reference to the Employer rules which prohibit a Loss Prevention employee from pursuing suspects off Employer property (see Employer's Loss Prevention Training packet, pages 34-35 - Appellant Exhibit #2). In the process of his investigation, Mr. Person 8 further noted that not only did Mr. Employee fail to indicate that the apprehension occurred off Employer property but also did not specifically report via the Restraint Incident form in the back of the Training packet, that the pursuit involved an off premises incident (see designated entry box for that purpose). Based upon his review, Mr. Person 8 recommended the termination of Mr. Employee effective September 20, 1993 for falsifying a report by omitting important details. This recommendation was approved by Store Directors Person 10 and Person 11 and Vice-President/ District Director Person 12. Also, Vice-President of OMP Relations Person 13 concurred (TR. 137-173).

On cross-examination, Mr. Person 8 acknowledged that Ms. Person 1 had also falsified her reports and had received only a Written Warning and that Ms. Person 3 was threatening a lawsuit against the Employer. Relative to the Person 3 allegations unrelated to the March 25, 1993 incident, it is noted that Appellant Employee's termination was not predicated upon anything other than matters surrounding his falsification of reports and the violation of the Employer's Honesty Policy. Mr. Person 8 additionally testified on cross-examination that Mr. Employee had told him that his decision to cross Road A was out of concern for the safety of Ms. Person 1 and the suspect. On this score, it is indispensably observed that Mr. Employee was not discharged because he apprehended the suspect off Employer property. Again, his termination was based upon his violation of the Employer's Honesty Policy. Finally, Mr. Person 8 advised that the delay in effectuating the Appellant's discharge was caused by the absence of information in the Person 1, Employee and Person 3 reports which were simply filed at the Corporate level; that Mr. Person 2's notation that the suspect ran "out of the parking lot" was insufficiently specific to alert Corporate Loss Prevention of a Policy violation (TR. 174-212).

Now comes the testimony of Mr. Employee. He advised that since his hire in November 1988 as a Store Detective Intern, he had been promoted four (4) levels to Loss Prevention Manager at Store No. 52. Mr. Employee testified that on March 25, 1993, he heard a distress page and went to the East entrance where two (2) baggers told him that Ms. Person 1 had run across the parking lot in pursuit of a shoplifting suspect. He followed and saw Ms. Person 1 across Road A from a point near the snow bank. He further testified that he crossed the street, leaving Employer property out of his concern for the safety of Ms. Person 1 and because the suspect could have been injured. Mr. Employee also described the cuffing scenario and the trip

back to the Loss Prevention Office in the Employer of Ms. Person 3; then the interview of the suspect and the fact that he called the police pursuant to which the suspect was taken away.

Regarding the fact that he did not indicate in his report (Employer Exhibit #2c) that the apprehension occurred off Employer property, Mr. Employee asserted that he was simply "negligent" and that the omitted information was not significant. The bottom line in this connection, was that Mr. Employee did not leave out the "off Employer property" aspect of the pursuit and apprehension intentionally (TR. 298-299). Mr. Employee also testified that he considered himself the "backup" in the entire Matter and that Ms. Person 1 was the principal figure. Further, Mr. Employee advised that he did not review any of the reports prepared by Ms. Person 1, Ms. Person 3 or Mr. Person 2 before they were filed with Corporate Loss Prevention.

On cross-examination, severe inroads were made into Mr. Employee's testimony. Yes - he was aware of the Honesty Policy and yes -he knew the rules prohibiting apprehensions off Employer property. He acknowledged also that reports are to have no material omissions and that the writing of a false report is a violation of the Employer's Honesty Policy. But curiously, Mr. Employee asserted that he did not believe that the omission of elements in an official report constituted falsification. He was evasive when queried on whether it was his responsibility to review all apprehension reports before they are sent to Corporate Loss Prevention (TR. 318-388).

In his Appeal statement, Mr. Employee averred that he did not consider it important to indicate in his report that the March 25, 1993 incident took place off Employer property (Employer Exhibit #7). Notwithstanding, Mr. Employee testified that he was aware that the subject pursuit did violate Employer policy and that had he reported it, an investigation at the Corporate level would have ensued. He further acknowledged that he maintained the responsibility to complete the Restraint Incident form which specifically requires an indication of

whether the incident took place off Employer property but did not do so (Appellant Exhibit #2).

Mr. Employee had no acceptable explanation for the information that was entered in the lower right hand corner of the Loss Prevention form (LP1087) signed by Ms. Person 1 - "Apprehended: Time 6:15 P.M./Place: East Exit" (Employer Exhibit #2). Ultimately, Mr. Employee admitted that he made this entry (TR. 360).

Finally, the Employer produced some nine (9) previous Incident Reports filed by Appellant Employee in his capacity of a Loss Prevention Manager (Employer Exhibit #8). All such reports specifically indicated where the apprehension had taken place.

On October 19, 1993, Mr. Employee's Termination Appeal was denied in the following terms (Employer Exhibit #7):

The termination of your employment was done with just cause for dishonesty. You falsified a report by omitting important details from it. Our investigation further found no evidence of retaliation or discrimination.

Person 14

Associate Services Representative

This Appeal was brought on for Arbitration on July 19, 1993.

ISSUE

Was this discharge for just cause?

DISCUSSION

The details surrounding the March 25, 1993 pursuit of the shoplifting suspect have been set forth in the Facts portion of this Award. Therefore, each and every aspect of those transactions need not be reiterated. The pivotal question here is whether on the evidence, Appellant Employee falsified official reports by omitting material information, thereby violating

the Employer's Honesty Policy (Employer Exhibit #5). The answer to this query is - yes and therefore his discharge was for just cause.

It is importantly noted in this entire matter, that Appellant Employee was not terminated for going off Employer property in the apprehension of the shoplifting suspect on March 25, 1993. Yet, this action represents the focal point of the instant analysis since it did constitute a violation of Employer policy as set forth in the Loss Prevention Training packet at pages 31, 32, 34 and 35; Items G, N, and R (Appellant Exhibit #2). Succinctly put, the evidence finds that Mr. Employee omitted this fact in his reports and strongly implied that his subordinates do the same, in order to cover up the violation and avoid possible disciplinary action.

In unrebutted testimony, Store Detective Person 1 advised that prior to preparing her own reports (Employer Exhibits #2a and b), she was told by Mr. Employee, "Haven't you heard of creative writing 101?" This was indeed an encouragement by Mr. Employee to her to omit the material fact that both she and he had proceeded off Employer property to make the shoplifting apprehension. Further, former Store Detective Intern Person 3 provided unrebutted testimony that Mr. Employee told her, "It never happened" when she asked how her report should be written. These statements from the individual responsible for the integrity of the Loss Prevention Department in Store No. 52, Mr. Employee, reflect seriously on his personal and professional honesty and show an intent to misrepresent the actuality of events.

The evidence further establishes that Appellant Employee purposefully attempted to conceal the "off Employer property" element by writing on the LP1087 form that the apprehension took place at the "East Exit" where of course it did not. Additionally, he failed to file the appropriate Restraint Incident form with Corporate Loss Prevention which would have required him to designate whether the apprehension had occurred off Employer property. These

revelations show that Appellant Employee maintained an intention to deceive as opposed to his claims that he was merely "negligent" in omitting the material information relative to the "off Employer property" apprehension.

The Appellant has urged that he was a recipient of disparate treatment in that Store Detective Person 1 received only a Written Warning for her part in the falsification of the reports. But there is a major distinction here. Ms. Person 1 was indirectly but obviously told by her boss, Mr. Employee, to leave out the "off Employer property" information and clearly her reports were expected to conform to his own report (Employer Exhibit #2c) which omitted this important detail. Further, Appellant Employee contends that he did not review the reports of the subject incident made by his subordinates and Mr. Person 2, a responsibility that was his. The evidence reflects that if he did not, such failure to do so was intended or considered unnecessary, since he expected Ms. Person 1 and Ms. Person 3 at least to follow his lead in omitting the fact that the incident occurred off Employer property. The undersigned Arbitrator believes from the evidence, that indeed, Mr. Employee knew what was and was not in those reports. They were simply sent to Corporate Loss Prevention for filing without any mention of that very important element; the off Employer property scenario.

The most significant aspect of this case involves Mr. Employee's Arbitration testimony. Here, he had an opportunity to tell the truth; that he used exceptionally poor judgment in omitting the "off Employer property" information in the face of possible disciplinary action. Ironically, it is conceivable that had he initially explained his safety concerns and the other possibly mitigating factors surrounding the pursuit on March 25, 1993, any disciplinary action that followed might have been quite modest. But during his testimony, Mr. Employee insisted that all along he believed his omission to be insignificant and unimportant and still did. That

assertion is not acceptable as a true statement. In view of all of the evidence, this assertion simply does not wash. Consequently, it is determined that even at the most critical stage of this entire Matter (Arbitration), Mr. Employee's veracity and honesty remained in serious question. Fundamentally, he was not honest in his sworn testimony.

The upshot here is that Mr. Employee was fully aware of the Employer's Honesty Policy and on the evidence, violated that Policy by intentionally omitting material information in official Employer reports. This constituted the falsification of Employer documents and was (is) just cause for discharge.

It is found here that Appellant Employee did falsify reports regarding the March 25, 1993 shoplifting incident by intentionally omitting material details there from in violation of the Honesty Policy. There is no evidence of retaliation or discrimination. The discharge was for just cause and is upheld. The Appeal is denied.

AWARD

The discharge was for just cause and is upheld. The Appeal is denied.

David W. Grissom

Arbitrator

January 26, 1995