

FACT FINDING COMMITTEE  
Memorandum of Disposition

Arb. #116

**CASE CLOSED** NOV 29 1983  
**LOGGED AND FILED**

Materials Distribution  
Local Investigating Committee No. 21-184-83-4  
Fact Finding Committee No. 2635-83-56

Subject of Grievance

Was the discharge of the grievant, Mark Holmes, in violation of the parties' Labor Agreement?

Discussion

Attached hereto and made a part hereof is a report from the Local Investigating Committee. The Committee met to review the facts of the case on April 8, 1983 at which time, after a lengthy discussion, Union members of the Committee requested and received certification to arbitration. Subsequent to the referral to arbitration Union members of the Committee and staff counsel met with the grievant on September 12, 1983 to review the case and reaffirm the grievant's desire to arbitrate the issue as some hesitancy to "bare his soul" was noted by Union Business Representative Joe Valentino. After lengthy discussion with the grievant it was agreed by all present that the grievant should take one to two weeks to make his decision and repond to the Local Union. As of this date the grievant has not responded. Business Representative Valentino has made numerous phone calls to the grievant's residence starting on September 26, 1983 and continuing through October 10, 1983. Having received no reply from the grievant, a registered letter was mailed to him on October 11, 1983 notifying him "...that if this office does not hear from you in seven (7) days from the date of this letter, it will be assumed that you do not wish to pursue your current grievance. If that is the case, this office will close your grievance." On October 19, 1983 another registered letter was written to the grievant notifying him "...that as of the above date Local Union 1245 is hereby closing your current discharge grievance. This is a direct result of your failure to contact this office as directed in a letter to you dated October 11, 1983."

Decision

After reviewing all the circumstances and the grievant's apparent unwillingness to pursue his discharge grievance, this case is closed without adjustment and without prejudice to the positions of the parties.

Attachments:

Local Investigating Committee Report  
Letters dated October 11 and 19, 1983

Roger Stalcup  
R. W. STALCUP, Union Member

CONCUR/DISSENT 11/9/83  
Date

Joe Valentino  
J. VALENTINO, Union Member

CONCUR/DISSENT 11-9-83  
Date

M. A. Short  
M. A. SHORT, Company Member

CONCUR/DISSENT 11/10/83  
Date

C. P. Taylor  
C. P. TAYLOR, Company Member

CONCUR/DISSENT 11/10/83  
Date