

MLBPA Fighting A-Rod Suspension Really About Punishment Fitting the Crime

Written by Maury Brown
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Alex Rodriguez has the MLBPA in his corner, but it's likely over how long his suspension is, not if he's deserving of one

UPDATE: According to The Associated Press, the MLBPA has formally filed a grievance in the Rodriguez case. He will continue to have his 211 game suspension stayed until Fredric Horowitz, the independent arbitrator, hears the case. According to the report, that will not be until November or December meaning that barring injury, Rodriguez will be allowed to play through the remainder of the 2013 season. - *Maury Brown*

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On Thursday, MLB's suspension of Alex Rodriguez kicks in, and at some stage the collectively bargained process around his rights to a grievance will officially start. An army of writers have spilled gallons of ink on the subject with the particulars around all the Biogenesis suspensions at the heart of it. Some have vilified baseball's highest-paid player, while others have said that Bud Selig has done something that most thought impossible by making Rodriguez a sympathetic figure. Out of the 14 players suspended, A-Rod will be the only one to file a grievance. The

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reaction by some has been, “You’re going to tell me 13 players said, ‘You caught me,’ but only one is going to say, he’s innocent?” In looking at the situation, that’s not what this appeal is all about. It’s about much more.

It’s not just A-Rod “fighting for his life” it’s about the MLBPA and assuring that the punishment fits the crime as defined by the jointly agreed upon drug policy. The league has said that they have a mountain of evidence, including “his use and possession of numerous forms of prohibited performance-enhancing substances, including Testosterone and human Growth Hormone, over the course of multiple years.” To add, the league said, “Rodriguez’s discipline under the Basic Agreement is for attempting to cover-up his violations of the Program by engaging in a course of conduct intended to obstruct and frustrate the Office of the Commissioner’s investigation.” Based upon that, the suspension length reached subjectively by the league was 211 regular games and any 2013 Postseason games in which Rodriguez otherwise would have been eligible to play. The [ambiguity with which the suspension length was rendered](#) is the concern of the MLBPA.

When questioned, Rodriguez would not deny he used the PEDs, but rather that he would have his day to make his case before arbitrator Fredric Horowitz (see [The Most Important Man in Baseball You’ve Never Heard of](#)). In reports prior to the suspension it was said that lawyers representing Rodriguez were willing to have him forgo the grievance if the league held to a 50 game suspension. That’s the issue. Not that he is, or is not, guilty. It’s about the length of the suspension.

The drug agreement goes into detail about how long suspensions should be, should a player *test positive* for PEDs. The league has decided that since the findings on the players involved in Biogenesis did not test positive, suspension lengths could vary. All but Ryan Braun and Rodriguez were slapped with 50 game suspensions. Braun, who tested positive for elevated levels of testosterone in 2011, but had his case rescinded in 2012 over the handling of his sample was given a 65 game suspension. As one official put it, he was hit with 50 games for his first offense, and 15 games for lying, etc.

This is a slippery slope for the MLBPA, and for the first time in years brought out aggravation and a strong sense that labor peace is under strain. As MLBPA Executive Director Michael Weiner said of Rodriguez’ case, “we agree with his decision to fight his suspension. We believe that the Commissioner has not acted appropriately under the Basic Agreement.” To add an exclamation point on where the MLBPA has been in the past on fighting labor disputes, Weiner added, “ Mr. Rodriguez knows that the Union, consistent with its history, will defend his rights

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vigorously.“

The union, which also added that the players have made it clear that they want a clean game and that they support efforts to discipline players, and harshly, to help ensure an even playing field for all, also is going to go to the mat to ensure that the process by which players are suspended doesn't get back into the lordship that former commissioners such as Bowie Kuhn and Fay Vincent tried to conduct. What they're ostensibly saying is, "You're kidding. You want to take a player that's never tested positive under the program, threaten through the media of a lifetime ban, and then throw the largest suspension ever on a player behind only Pete Rose and the Black Sox players at him? He might be guilty but we'll fight you on the punishment."

The MLBPA is in the right here. The league and Commissioner Selig are trying to make a strong statement, but this is shooting a gnat with a shotgun. In going so far over the top, they've not only harmed labor relations, they have a good chance of getting egg on their face. Horowitz is going to have a heck of a time reading the drug agreement and seeing anything within it that allows for such overstepping. He can see 50 games based on the agreement, but beyond that gets into areas that are not defined. A rational, subjective comment might be, "Sorry, Major League Baseball. You guys reached this agreement jointly with the union for the players. If you want it to go to the lengths that you want, try that in the next round of collective bargaining."

Fans will likely not care about all this. On the face of it, A-Rod appears to be making a case for innocence and the MLBPA is supporting that. While that could be the case, it's looking more and more about insuring MLB doesn't turn into judge, jury, and executioner. That's a larger issue that affects not only Alex Rodriguez, but all the players.



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