

**CASE DIGEST:** *AFGE, Loc. 2338*, 73 FLRA 845 (2024)

The Union filed a grievance alleging the Agency retaliated against a Union steward by not selecting him for a job vacancy. The Arbitrator denied the grievance, finding the Union failed to demonstrate that the grievant's protected Union activity was a motivating or contributing factor in the Agency's selection decision. The Union filed exceptions in which it argued the award was contrary to several Agency regulations, as well as Authority precedent. The Union also contended that the award was based on a nonfact and that the Arbitrator exceeded his authority in various ways.

Since the Union did not raise its contrary-to-Agency-regulation arguments at arbitration, but could have, the Authority dismissed these exceptions. As the Arbitrator applied Authority precedent in evaluating the Union's claim of retaliation, the Authority denied the Union's contrary-to-law exception. Because the Union failed to establish that the award was deficient on nonfact or exceeded-authority grounds, the Authority denied these exceptions.

Chairman Grundmann concurred.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.