63 FLRA No. 166

UNITED STATES DEPARTMENT OF ENERGY
NATIONAL ENERGY TECHNOLOGY LABORA-
TORY

(Agency)

and

AMERICAN FEDERATION OF GOVERNMENT
EMPLOYEES

LOCAL 1916

(Union)

0-AR-4507

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DECISION

August 3, 2009

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Before the Authority: Carol Waller Pope, Chairman and

Thomas M. Beck, Member

This matter is before the Authority on exceptions to an award of Arbitrator Edward A. Grupp filed by the Agency under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority's Regulations. The Union filed an opposition to the Agency's exceptions.

Under § 7122(a) of the Statute, an award is deficient if it is contrary to any law, rule, or regulation, or it is deficient on other grounds similar to those applied by federal courts in private sector labor-management relations. Upon careful consideration of the entire record in this case and Authority precedent, the Authority concludes that the award is not deficient on the grounds raised in the exceptions and set forth in § 7122(a). *See Prof'l Airways Sys. Specialists, Dist. No. 1, MEBA/ NMU (AFL-CIO),* 48 FLRA 764, 768-69 (1993) (award not deficient as contrary to law where excepting party fails to establish that the award is in any manner contrary to the law, rule, or regulation on which the party relies); *United States Dep't of the Navy, Long Beach Naval Shipyard, Long Beach, Cal.*, 48 FLRA 612, 618-19 (1993) (award not deficient as contrary to public policy where excepting party fails to establish that the award violates an explicit public policy based on well-defined and dominant laws and legal precedents); *United States Dep't of the Air Force, Lowry Air Force Base, Denver, Colo.,* 48 FLRA 589, 593-94 (1993) (award not deficient based on a nonfact where excepting party either challenges a factual matter that the parties disputed at arbitration or fails to demonstrate that the central fact underlying the award is clearly erroneous, but for, which a different result would have been reached by the arbitrator).

Accordingly, the Agency's exceptions are denied.