

65 FLRA No. 94

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 3854
(Union)

and

UNITED STATES
DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND
MARCH AIR RESERVE BASE, CALIFORNIA
(Agency)

0-AR-4717

—
DECISION

January 31, 2011

—
Before the Authority: Carol Waller Pope, Chairman,
and Thomas M. Beck and Ernest DuBester, Members

This matter is before the Authority on an exception to an award of Arbitrator Edna E. J. Francis filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority's Regulations. The Agency filed an opposition to the Union's exception.¹

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 exception and set forth in § 7122(a). *See, e.g., U.S. Dep't of the Treasury, IRS, Oxon Hill, Md.*, 56 FLRA 292, 299 (2000) (award not deficient where an arbitrator bases an award on separate and independent grounds, and the excepting party fails to establish that all of the

grounds are deficient)²; *Profl 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).

Accordingly, the Union's exception is denied.

1. As the Union's arguments meet the requirements for granting review, we reject the Agency's request to dismiss the Union's exceptions. *See* 5 C.F.R. 2425.6(e)(1).

2. The award is based on the Arbitrator's findings that: (1) an Agency regulation did not authorize the grievant's supervisor to grant administrative leave; and (2) Comptroller General decisions regarding unauthorized administrative leave are controlling precedent. The Union's exception addresses only the Arbitrator's second finding.