

**65 FLRA No. 164**

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
LOCAL 1164  
(Union)

and

SOCIAL SECURITY ADMINISTRATION  
(Agency)

0-AR-4738

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DECISION

April 29, 2011

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

This matter is before the Authority on exceptions to an award of Arbitrator Elizabeth Bartholet 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 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 Fraternal Order of Police, Pentagon Police Labor Comm.*, 65 FLRA 781, 784-85 (2011) (denying a contrary-to-law exception where excepting party did not cite any law with which the arbitrator's award conflicted); *U.S. Dep't of the Treasury, IRS, Oxon Hill, Md.*, 56 FLRA 292, 299 (2000) (award not deficient where arbitrator bases award on separate and independent and excepting party fails to establish that all of the

grounds are deficient);\* *U.S. Dep't of the Navy, Naval Base, Norfolk, Va.*, 51 FLRA 305, 307-08 (1995) grounds, (award not deficient on ground that arbitrator exceeded his or her authority where excepting party does not establish that arbitrator failed to resolve an issue submitted to arbitration, disregarded specific limitations on his authority, or awarded relief to persons who were not encompassed within the grievance); *AFGE, Local 2921*, 50 FLRA 184, 185-86 (1995) (arbitrator's determination of the procedural arbitrability of a grievance is subject to challenge only on grounds other than those that directly challenge the procedural arbitrability determination).

Accordingly, the Union's exceptions are denied.

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\* Several of the exceptions challenge the Arbitrator's findings that the Agency did not violate the parties' agreement. However, with regard to certain of these challenged findings, the Arbitrator alternatively found that the grievant failed to timely raise her allegations, which provides a separate and independent basis for the award.

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