

64 FLRA No. 164

INTERNATIONAL ASSOCIATION
OF FIREFIGHTERS
LOCAL F-25
(Union)

and

UNITED STATES
DEPARTMENT OF THE NAVY
NAVY REGION MID-ATLANTIC
FIRE AND EMERGENCY SERVICES
(Agency)

0-AR-4622

—
DECISION

June 4, 2010
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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 Robert G. Williams 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.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

exceptions and set forth in § 7122(a).² *See U.S. Dep't of the Air Force, Lowry Air Force Base, Denver, Colo.*, 48 FLRA 589, 593-94 (1993) (award not deficient as 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 Union's exceptions are denied.

1. The Union filed an unsolicited response to the Agency's opposition. As the Authority's Regulations do not provide for the filing of supplemental submissions, and as the Union failed to request permission to file its submission under § 2429.26, we have not considered the submission. *See, e.g., AFGE, Local 1061*, 63 FLRA 317, 317 n.1 (2009).

2. To the extent that the Union asserts that the grievant was not charged with, or disciplined for, failing to correctly complete the Pre-Hospital Patient Care Report, and that the award conflicts with Agency regulations, such assertions were not raised before the Arbitrator and, therefore, are not properly before the Authority under 5 C.F.R. § 2429.5. *See, e.g., AFGE, Local 1633*, 64 FLRA 732, 733 (2010). Accordingly, we dismiss these exceptions.