

70 FLRA No. 29

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 2338
(Union)

and

UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS
JOHN J. PERSHING VA MEDICAL CENTER
(Agency)

0-AR-5215

ORDER DISMISSING EXCEPTION

January 12, 2017

Before the Authority: Ernest DuBester, Chairman, and
Patrick Pizzella, Member

This matter is before the Authority on an exception to an award of Arbitrator Richard Stanton filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute¹ and part 2425 of the Authority's Regulations.²

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.³

Sections 2425.4(c) and 2429.5 of the Authority's Regulations⁴ bar consideration of the Union's sole exception that, under the Back Pay Act,⁵ the Arbitrator should have granted relief for a period of at least six years prior to the filing of the grievance.⁶ The Union should have known to raise this argument before the

Arbitrator, but the record does not reflect that the Union did so. Therefore, we dismiss the exception.⁷

¹ 5 U.S.C. § 7122(a).

² 5 C.F.R. pt. 2425.

³ *Id.* § 2425.7 (“Even absent a [party’s] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.”).

⁴ 5 C.F.R. §§ 2425.4(c), 2429.5.

⁵ 5 U.S.C. § 5596.

⁶ Exception at 1.

⁷ *U.S. DHS, U.S. CBP*, 66 FLRA 335, 337-38 (2011) (where a party should have known to make an argument to the arbitrator, but the record does not indicate that the party did so, §§ 2425.4(c) and 2429.5 of the Authority's Regulations bar the party from raising that argument to the Authority).