

70 FLRA No. 44

INTERNATIONAL FEDERATION
OF PROFESSIONAL
AND TECHNICAL ENGINEERS
LOCAL 30
(Union)

and

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION
AMES RESEARCH CENTER
(Agency)

0-AR-5236

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DECISION

April 27, 2017

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

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

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

Under § 7122(a) of the Statute,⁴ 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, we conclude that the

award is not deficient on the ground raised in the exception and set forth in § 7122(a).⁵

Accordingly, we deny the Union's exception.⁶

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 U.S.C. § 7122(a).

⁵ *U.S. Dep't of the Interior, Nat'l Park Serv.*, 70 FLRA 41, 43 (2016) (disagreement with an arbitrator's evaluation of evidence, including the determination of the weight to be given such evidence, provides no basis for finding the award deficient); *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 a central fact underlying the award is clearly erroneous, but for which the arbitrator would have reached a different result).

⁶ While Member DuBester joins in the decision to not rule on the Agency's objection to the Union's filing of certain attachments, because considering the documents would not change the case's outcome, he notes that, were the Authority to rule on the Agency's objection, he would grant it, because five of the Union's attachments were not submitted during the arbitration proceeding and, in accordance with 5 C.F.R. § 2429.5, the Union may not file them now.