

70 FLRA No. 126

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 3627
(Union)

and

SOCIAL SECURITY ADMINISTRATION
(Agency)

0-AR-5359

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DECISION

June 13, 2018

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Before the Authority: Colleen Duffy Kiko, Chairman,
and Ernest DuBester and James T. Abbott, Members

This matter is before the Authority on exceptions to an award of Arbitrator John T. Nicholas filed by the grievant¹ under § 7122(a) of the Federal Service Labor-Management Relations Statute² and part 2425 of the Authority's Regulations.³ The Agency filed an opposition to the grievant's exceptions.

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.⁴

As a preliminary matter, §§ 2425.4(c) and 2429.5 of the Authority's Regulations bar consideration of the grievant's exceptions that the award is contrary to 5 U.S.C. § 4301 and 43 C.F.R. § 430.207.⁵ Neither the record nor the award indicates that the Union made any allegation that the Agency's actions were contrary to law. The Union should have known to raise these arguments before the Arbitrator, but the record does not reflect that the Union did so. Therefore, we dismiss these exceptions.⁶

¹ The Union gave the grievant written permission to file exceptions to the award.

² 5 U.S.C. § 7122(a).

³ 5 C.F.R. pt. 2425.

⁴ *Id.* § 2425.7 ("Even absent a [party's] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.").

⁵ *Id.* §§ 2425.4(c), 2429.5.

⁶ *AFGE, Nat'l INS Council*, 69 FLRA 549, 552 (2016) (dismissing—under §§ 2425.4(c) and 2429.5 of the Authority's Regulations—arguments filed by a grievant due to the failure of

The grievant argues that the award is contrary to public policy and an agency-wide regulation, but does not support those arguments. Therefore, we deny those exceptions under § 2425.6(e)(1) of the Authority's Regulations.⁷

As for the grievant's remaining exceptions, 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 exceptions and set forth in § 7122(a).⁸

Accordingly, we dismiss, in part, and deny, in part, the grievant's exceptions.

the union to raise those arguments before the arbitrator); *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).

⁷ 5 C.F.R. § 2425.6(e)(1); *see also Fraternal Order of Police, Pentagon Police Labor Comm.*, 65 FLRA 781, 784 (2011) (exceptions are subject to denial under § 2425.6(e)(1) of the Authority's Regulations if they fail to support arguments that raise recognized grounds for review).

⁸ *U.S. Dep't of the Interior, Bureau of Indian Affairs, Chemawa Indian Boarding Sch., Salem, Or.*, 49 FLRA 667, 677 (1994) (award not deficient for failing to draw its essence from the parties' agreement merely because the award does not address specific provisions of an agreement); *U.S. DOL (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' agreement where excepting party fails to establish that the award cannot in any rational way be derived from the agreement; is so unfounded in reason and fact and so unconnected to the wording and purposes of the agreement as to manifest an infidelity to the obligation of the arbitrator; does not represent a plausible interpretation of the agreement; or evidences a manifest disregard of the agreement).