

CASE DIGEST: *AFGE, Local 2198*, 71 FLRA 165 (2019)

This case concerned an arbitrator's premature denial of attorney fees. The Union's grievance challenged the grievant's five-day suspension imposed by the Agency. The Arbitrator issued an award reducing the grievant's five-day suspension to an admonishment, and awarded backpay. However, in response to the Union's preliminary request for attorney fees, the Arbitrator denied the Union attorney fees. The Union filed a contrary-to-law exception claiming that the denial of attorney fees was premature. The Authority found that because the Arbitrator denied the request for attorney fees before the Union had an opportunity to submit a petition for fees, and before the Agency had an opportunity to respond to a petition, the Arbitrator's denial of attorney fees was contrary to law. Therefore, the Authority modified the award to strike the denial of attorney fees, without prejudice to the Union's right to file a petition for attorney fees with the Arbitrator.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.