

**CASE DIGEST:** *U.S. Dep't of the Air Force, Minot Air Force Base, N.D.*, 71 FLRA 188 (2019) (Member DuBester dissenting)

This case concerned the Union's motion asking the Authority to reconsider its decision in *U.S. Department of the Air Force, Minot Air Force Base, North Dakota*, 70 FLRA 867 (2018) (*Air Force*) (Member DuBester dissenting). In *Air Force*, the Union filed both an unfair-labor-practice (ULP) charge and a grievance over the Agency's decision to change its hazardous-duty-pay practices. The Arbitrator determined that 5 U.S.C. § 7116(d) did not bar the later-filed grievance. But the Authority found that the ULP charge and the grievance (1) arose from the same set of factual circumstances and (2) advanced substantially similar legal theories. Accordingly, the Authority concluded that § 7116(d) barred the grievance.

Because the Union's motion for reconsideration (1) attempted to relitigate the Authority's conclusions in *Air Force* and (2) failed to establish that the Authority erred in concluding that the earlier-filed ULP barred the grievance, the Authority held that the Union did not establish extraordinary circumstances warranting reconsideration. Therefore, the Authority denied the motion.

Member DuBester dissented, asserting that he would have granted the motion for the reasons expressed in his dissent in *Air Force*.

This case digest is a summary of an order 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.