

CASE DIGEST: *SSA & AFGE Local 1122*, 71 FLRA 352 (2019) Member DuBester
Concurring

In this case, the Arbitrator found the grievance was arbitrable nearly four years after arbitration was invoked, despite a provision in the parties' agreement that grievances must be heard within two-and-a-half years. He found that Article 25 of the parties' agreement created a mutual obligation to schedule and hold a hearing and the Agency failed to fulfil its share of that obligation. The Agency argued that the Arbitrator's finding failed to draw its essence from the parties' agreement. The Authority found that as the Agency merely disagreed with the Arbitrator's conclusions regarding Article 25, the Agency did not demonstrate that the award fails to draw its essence from the parties' agreement. Accordingly, the Authority denied the Agency's exception.

Member DuBester concurred, finding that the Arbitrator's conclusion falls within the deferential standard governing essence challenges to awards.

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.