

CASE DIGEST: *AFGE, Local 1738 & VA, Med. Ctr., Salisbury, N.C.*, 71 FLRA 505 (2019) (Member DuBester concurring).

This case is before the Authority on exceptions to an award finding that the Agency violated the parties' agreement by failing to properly refer the grievant's file to the Professional Standards Board in order to effect a permanent promotion. Although the Agency retroactively revoked the grievant's promotion, the Arbitrator directed the Agency to refrain from collecting the additional salary and benefits she had earned while serving in the promoted position. The Arbitrator did not order backpay and denied attorney fees. The Union argued the award was contrary to the parties' agreement and the Back Pay Act. The Authority denied the exceptions, finding that Union failed to demonstrate that the ordered remedy was in error or that the denial of attorney fees was contrary to law.

Member DuBester concurred, finding that the award was not contrary to law. He also found that, consistent with the broad discretion afforded to arbitrators to fashion remedies, the award drew its essence from the parties' agreement.

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.