

**CASE DIGEST:** *NAIL, Local 5*, 71 FLRA 684 (2020) (Member DuBester concurring)

Arbitrator Angela D. McKee found that the Agency had just cause to suspend the grievant for two days because the parties' collective-bargaining agreement did not give the grievant an absolute right to use annual leave after she had exhausted her sick leave. The Union argued that the award fails to draw its essence from the parties' agreement. The Authority found that the Arbitrator's interpretation is consistent with the plain wording of the agreement and denied the Union's exceptions.

Member DuBester concurred, noting the majority's omission from the articulation of the essence standard the principle that the Authority applies the deferential standard of review that federal courts use when reviewing arbitration awards in the private sector.

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.