

**CASE DIGEST:**     *U.S. DOL, Office of Workman's Comp. Programs, 71 FLRA 726 (2020)*  
(Member DuBester concurring)

In this case, it was undisputed that the Agency suspended the grievant for failure to follow instructions, but the Arbitrator found that the Agency failed to prove that the grievant was insubordinate, and sustained the grievance. The Authority concluded that the Arbitrator's consideration of the wrong charge was clearly erroneous, granted the Agency's nonfact exception, and set aside the award.

Member DuBester concurred in the Decision to grant the nonfact exception and set aside the award.

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.