

**CASE DIGEST:** *Nat'l Weather Serv. Emps. Org.*, 71 FLRA 275 (2019)  
(Member DuBester dissenting)

The parties' previous agreement contained a provision drafted by the Federal Service Impasse Panel, which provided that either party could terminate any and all sections of the agreement if negotiations for a successor agreement was not reached within ninety (90) days. The Arbitrator found that, while the Agency violated the agreement when it terminated the previous agreement, the Agency's actions did not constitute an unfair labor practice. The Authority vacated the award finding that it failed to draw its essence from the parties' agreement.

Member DuBester dissented, concluding that he would uphold the Arbitrator's award finding that the Agency improperly terminated the parties' collective-bargaining agreement because the Agency's right to terminate the agreement expired when the Union and the Agency requested FMCS/FSIP assistance within the time period provided by the contract. He would also grant the Union's contrary-to-law exception to conclude that the Agency unlawfully repudiated the parties' agreement under § 7116(a)(1) and (5) of the Statute because it improperly terminated the entire 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.