

**CASE DIGEST:** *U.S. DOD, Def. Logistics Agency, Richmond, Va. 71 FLRA 729 (2020)*

This case concerned the Agency's failure to engage in the interactive process and denial of a reasonable accommodation to a qualified, disabled employee, in violation of the Rehabilitation Act. The Arbitrator directed the Agency to grant the employee a telework schedule as a reasonable accommodation, and to pay him \$30,000 in compensatory damages. The Agency filed an exception arguing that grievant contributed to the breakdown in the interactive process and, consequently, the compensatory damages were inconsistent with the Rehabilitation Act.

The Authority found that the damages were a lawful remedy for the Agency's failure to make a good-faith effort to reasonably accommodate the grievant. Further, the Authority found that the Arbitrator adjusted the amount of damages to account for any delays attributable to the grievant, and the Agency's argument to the contrary reflected a misunderstanding of the award. Accordingly, the Authority denied the Agency's exception.

Member Abbott concurred in determining that the award is not contrary to law but would clearly state that the Agency is wrong in its assertion that the Arbitrator did not consider the grievant's actions, instead of stating the Agency's argument merely misunderstands 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.