

CASE DIGEST: *U.S. Dep't of the Air Force, Warner Robins Air Logistics Ctr. & AFGE, Local 987, 71 FLRA 758 (2020) (Member DuBester dissenting)*

We remind the federal labor relations community that the Authority must apply a statutory bar to a grievance that implicates an arbitrator's jurisdiction whether or not the jurisdictional issue is raised by the parties. In this case the Union grieved a fourteen-day suspension for the grievant's "lack of candor" in statements she made in her formal Equal Employment Opportunity (EEO) complaint. The Arbitrator found that the Agency's suspension was not for just and sufficient cause because the Agency failed to prove the charge of lack of candor and the discipline was based on reprisal for EEO activity. We find that Section 7121(d) of the Federal Service Labor-Management Relations Statute bars the grievance because an earlier filed equal employment opportunity complaint concerns the same matter as the grievance.

Member DuBester dissented, finding that the majority misapplied the § 7121(d) jurisdictional bar. Applying Authority precedent, Member DuBester would find that the EEO complaint and the grievance did not concern the same matter because each involved a different personnel action.

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.