

**Case Digest:** *U.S. DOD, Educ. Activity*, 71 FLRA 900

The Department of Defense Joint Travel Regulations (JTR) permit several management officials to authorize an evacuation of – and, correspondingly, evacuation allowances for – employees threatened by emergency circumstances. After a hurricane struck Puerto Rico, some of those officials elected not to authorize evacuation allowances. As a result, many of the affected employees evacuated at their own expense. However, one JTR-designated official was unaware that he had the authority to authorize an evacuation, and the Arbitrator found that the Agency abused its discretion because that official did not exercise his discretion to determine whether an evacuation was appropriate. Because the JTR does not require each of the several listed officials to independently assess whether an evacuation is appropriate, the Authority found that the Arbitrator’s award was inconsistent with the JTR’s plain wording. Accordingly, the Authority set the award aside.

Member Abbott concurred in the decision that the award is contrary to law, but emphasized that there are limits to the reach of parties’ negotiated grievance procedures under our Statute.

Member DuBester dissented, finding that the Arbitrator’s conclusion that the Agency abused its discretion was supported by the record and was not inconsistent with the JTR.

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.