

CASE DIGEST: *U.S. Small Bus. Admin.*, 71 FLRA 999 (2020) (Member DuBester, dissenting)

This case concerns a non-arbitrable classification matter under § 7121(c)(5) of the Federal Service Labor-Management Relations Statute (the Statute)¹ when its essential nature is integrally related to the accuracy of the classification of the grievant's position.

Member DuBester dissented. He reiterated his position that the majority's temporary-promotion test is flawed, and he found that the majority's decision mischaracterized both the award and the grievance to improperly conclude that the temporary promotion claim is barred by § 7121(c)(5).

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.

¹ 5 U.S.C. § 7121(c)(5).