

**CASE DIGEST:** *U.S. Dep't of VA, James J. Peters VA Med. Ctr.*, 71 FLRA 1003 (2020) (Member Abbott dissenting)

Arbitrator George Aleman sustained a grievance alleging that the Agency subjected certain employees to hazardous conditions in violation of the parties' agreement. He ordered the Agency to provide all necessary and appropriate personal protective equipment (PPE), training in the use of PPE, and to pay environmental differential pay from the date that the Union first raised its safety concerns until the date the Agency issues a new standard operating procedure regarding the use of PPE. The Agency filed exceptions on grounds that the award: (1) was incomplete, ambiguous, or contradictory as to make implementation impossible; (2) was contrary to law; and (3) failed to draw its essence from the parties' agreement. Because the Agency did not demonstrate that the award is impossible to implement, failed to support its contrary to law exception, and challenged the Arbitrator's factual findings rather than his interpretation of the parties' agreement, the Authority denied the exceptions.

Member Abbott dissented, concluding that the Arbitrator's award is contrary to law for the same reasons as the award in *U.S. Department of Veterans Affairs, John J. Pershing VA Medical Center (Pershing VAMC)*, 71 FLRA 769 (2020) (Member DuBester dissenting), a case that involved the same contract provisions, the same agency (different facility) and essentially the same issue. Member Abbott concluded the appropriate avenue of relief was through the enforcement proceedings set forth in 29 USC 662.

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.