

CASE DIGEST: *U.S. Dep't of the Army, 71 FLRA 199 (2020) (Member DuBester dissenting in part)*

In this case involving a three-day suspension for misconduct, the Arbitrator found the suspension appropriate, but sustained the grievance with regard to the grievant's financial penalty and awarded backpay because of the Agency's delay in taking timely disciplinary action. The Agency argued that the award is contrary to the Back Pay Act (BPA). Because the Agency's contract violation did not cause the grievant's loss of pay, the Authority vacated the award as contrary to the BPA.

Member DuBester dissented in part. He agreed that the backpay remedy violated the BPA, but disagreed that the non-backpay remedies should be vacated.

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.