

CASE DIGEST: *U.S. Dep't of VA, John J. Pershing VA Med. Ctr.*, 71 FLRA 1141 (2020)
 (Member DuBester dissenting)

In this case, the Arbitrator found a grievance concerning the Agency's process of scheduling Title 38 physicians to perform patient care duties on weekends to be arbitrable and the Agency excepted. The Authority found that the award was contrary to law because the grievance is excluded from the negotiated grievance procedure pursuant to 38 U.S.C. § 7422. The Authority set aside the award.

Member DuBester dissented, noting that only the Secretary of the Department of Veterans Affairs may determine that a grievance is excluded from the negotiated grievance procedure under § 7422. Because the Secretary had made no such determination applicable to the issue before the Arbitrator, Member DuBester would have denied the Agency's contrary-to-law exception.

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.