

CASE DIGEST: *U.S. DOJ, Fed. BOP, Fed. Corr. Inst., Talladega, Ala.*, 71 FLRA 1145 (2020) (Member DuBester dissenting)

The Arbitrator found that the Union committed a technical violation of the parties' agreement by not filing the grievance with the proper Agency official, but nevertheless concluded that the grievance was arbitrable. The Authority found that the Arbitrator's procedural-arbitrability determination failed to draw its essence from the parties' agreement because the Arbitrator relied on extraneous considerations instead of the plain wording of the parties' agreement.

Member DuBester dissented, noting that the Arbitrator made findings that supported his conclusion that the agreement did not require dismissal of the grievance. Therefore, he would have denied the Agency's essence 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.