

CASE DIGEST: *U.S. DHS, U.S. CBP and NTEU, Chapter 160, 71 FLRA 1244 (2020)*
(Member DuBester concurring)

The parties agreed to bifurcate arbitral proceedings into a merits phase and a remedial phase. After the Arbitrator issued a merits award—but before the remedial phase of the arbitration—the Agency filed exceptions challenging certain aspects of the merits award. The Authority held that this interlocutory exception did not present extraordinary circumstances warranting review because resolution of the exceptions, even if granted, would not obviate the need for further arbitration proceedings related to unchallenged portions of the merits award.

Member DuBester concurred that the exceptions were interlocutory and should be dismissed.

This case digest is a summary of an order 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.