

CASE DIGEST: *AFGE, Local 1770*, 72 FLRA 74 (2021) (Chairman DuBester concurring)

In this case, the Authority reminds the federal labor-management relations community of the first-in-time requirement for choice-of-forum provisions. The Arbitrator found a Union-filed grievance was not arbitrable under § 7116(d) of the Federal Service Labor-Management Relations Statute due to a later-filed Unfair Labor Practice (ULP) charge. Because the grievance was filed first, it is not barred by the later-filed ULP under § 7116(d) of the Statute. Therefore, the Authority vacated the award as contrary to law and remanded the matter to the parties for resubmission to arbitration before a mutually agreed upon arbitrator for a decision on the merits of the grievance.

Chairman DuBester concurred, agreeing with the decision to set aside the award and remand the matter to the parties.

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.