

CASE DIGEST: *AFGE, Local 2338*, 72 FLRA 77 (2021) (Member Abbott concurring)

The Union requested that the Authority reconsider the decision in *AFGE, Local 2338*, 71 FLRA 1131 (2020) (*Local 2338*) (Member Abbott dissenting). In that case, the Authority denied the Union's exceptions challenging the Arbitrator's findings that exposure to asbestos was not raised in the grievance and that the grievants were not entitled to environmental differential pay for exposure to microorganisms.

The Authority denied the Union's motion for reconsideration, finding that the Union raised the same arguments the Authority considered and rejected in *Local 2338*, and did not otherwise establish extraordinary circumstances warranting reconsideration.

Member Abbott concurred with the Authority's determination that the Union did not establish circumstances warranting reconsideration. However, Member Abbott reaffirmed his position that the matter should have been remanded to the Arbitrator to address the Union's claims concerning asbestos exposure.

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.