

CASE DIGEST: *U.S. Dep't of Transp., Merch. Marine Acad. and AFGC,
Local 3732, 72 FLRA 97 (2021)*

The Arbitrator found that the Agency did not have just cause to remove an employee or to assign him to other duties during the pendency of a misconduct investigation. The Agency filed an exception to the portion of the award relating to the reassignment. The Authority held that it lacked jurisdiction because the reassignment was inextricably intertwined with the grievant's removal, a matter described in § 7121(f) of the Federal Service Labor-Management Relations Statute.

Member Abbott concurred, agreeing that the Authority did not have jurisdiction in this matter. However, Member Abbott wrote separately noting the award runs counter to several mandates that have established the federal government as a model employer.

Chairman DuBester dissented, finding that resolution of the reassignment grievance was not inextricably intertwined with resolution of the removal grievance such that the Authority was divested of jurisdiction over the reassignment matter.

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.