

CASE DIGEST: *U.S. Dep't of VA, John J. Pershing VA Med. Ctr., Poplar Bluff, Mo., 72 FLRA 200 (2021) (Member Abbott concurring)*

The Arbitrator sustained a grievance challenging a probationary employee's termination. The Agency filed exceptions to the award contesting the Arbitrator's jurisdiction to resolve the grievance on contrary-to-law grounds. The Authority found that the Arbitrator did not have jurisdiction to resolve the grievance because a grievance concerning the termination of a probationary employee is excluded from the scope of the negotiated grievance procedure. Accordingly, the Authority set aside the award.

Member Abbott concurred, agreeing with the Authority's decision to set aside the award, but wrote separately to emphasize that the grievance should never have been filed.

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.