

**CASE DIGEST:**     *U.S. Dep't of Educ.*, 72 FLRA 203 (2021) (Chairman DuBester concurring)

Two Arbitrators, resolving separate but related grievances, determined that an earlier Union-filed unfair-labor-practice (ULP) charge did not bar the grievances under § 7116(d) of the Federal Service Labor-Management Relations Statute. However, both Arbitrators placed their respective grievances in abeyance pending resolution of that ULP. The Authority granted interlocutory review and found that the grievances were not barred by § 7116(d) because they were based on different legal theories than the earlier-filed ULP charge. Thus, the Authority found that the Arbitrators erred in placing the cases in abeyance and remanded the matters to the parties for resubmission to the Arbitrators.

Chairman DuBester concurred with the decision that § 7116(d) did not bar the grievances.

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.