

CASE DIGEST: *U.S. Dep't of the Army, Moncrief Army Health Clinic, Fort Jackson, S.C.,*
72 FLRA 207 (2021) (Member Abbott concurring; Chairman DuBester
dissenting)

The Authority granted interlocutory review of exceptions challenging a preliminary arbitrability award because resolution of the exceptions could obviate the need for further proceedings. Because the Arbitrator found a grievance seeking personal relief for employees arbitrable under an article stating it could *not* be used for grievances seeking personal relief, the arbitrability determination conflicted with the plain wording of the parties' agreement, and the Authority granted the Agency's essence exception.

Member Abbott concurred, writing separately to address the Chairman's insistence that the Authority should only consider interlocutory exceptions when they raise a plausible jurisdictional defect.

Chairman DuBester dissented, noting that he would not grant interlocutory review but that the Arbitrator's analysis and interpretation of the parties' agreement should survive the Agency's essence challenge.

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.