

CASE DIGEST: *U.S. Dep't of VA*, 72 FLRA 212 (2021) (Chairman DuBester concurring in part)

In this case, the Union filed a national grievance alleging that the Agency violated the parties' collective-bargaining agreement and various provisions of the Federal Service Labor-Management Relations Statute by submitting pre-hearing briefs to arbitrators in advance of arbitration hearings. The Arbitrator sustained the Union's grievance in its entirety. The Agency argued on exceptions that the award was contrary to law, failed to draw its essence from the parties' agreement, and that the Arbitrator was biased. The Authority concluded that the award was so unclear that it could not determine whether it was contrary to law and remanded the award to the parties for resubmission to the Arbitrator, absent settlement, for further findings. The Authority found it unnecessary to resolve the Agency's essence and bias exceptions at this time.

Chairman DuBester concurred in part. He agreed with the decision to remand the award concerning the issue of whether the Agency had a statutory duty to bargain with the Union over its use of pre-hearing submissions, but did not agree that the Agency's essence exception should not be resolved before remanding.

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.