

CASE DIGEST: *USDA, Forest Serv., Albuquerque Serv. Ctr., Human Resources Mgmt., Albuquerque, N.M.* 72 FLRA 261 (2021)
(Chairman DuBester Dissenting)

This case concerned the Union’s application for review of an FLRA Regional Director’s (RD’s) decision finding, among other things, that certain Human Resources employees were excluded from a bargaining unit because they were “engaged in personnel work in other than a purely clerical capacity” within the meaning of § 7112(b)(3) of the Federal Service Labor-Management Relations Statute. In making that finding, the RD applied the analysis set forth in the Authority’s decision in *U.S. Department of VA, Kansas City VA Medical Center, Kansas City, Missouri (Kansas City VA)*, 70 FLRA 465 (2018) (then-Member DuBester dissenting). On review, the Authority found that the Union failed to demonstrate that the Authority should reconsider *Kansas City VA*. Therefore, the Authority denied the application for review.

Chairman DuBester dissented, stating that he would grant the Union’s application for review and reconsider *Kansas City VA*.

This case digest is a summary of an order 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.