

72 FLRA No. 71

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 987
(Union)

and

UNITED STATES
DEPARTMENT OF THE AIR FORCE
WARNER ROBINS AIR FORCE BASE, GEORGIA
(Agency)

0-AR-5680

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DECISION

June 23, 2021

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Before the Authority: Chairman Ernest DuBester, and
Colleen Duffy Kiko and James T. Abbott, Members

This matter is before the Authority on exceptions to an award of Arbitrator Samuel J. Nicholas, Jr. filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute)¹ and part 2425 of the Authority's Regulations.²

The Union requests an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.³ The Agency did not file an opposition to the Union's exceptions, and therefore did not oppose the Union's request. Upon full consideration of the circumstances of this case – including the case's complexity, potential for precedential value, and similarity to other, fully detailed decisions involving the same or similar issues, as well as the absence of any allegation of an unfair labor practice – we grant the Union's request.

The Union argues that the award is contrary to an agency regulation⁴ but does not support that argument. Therefore, we deny that exception under § 2425.6(e)(1) of the Authority's Regulations.⁵

¹ 5 U.S.C. § 7122(a).

² 5 C.F.R. pt. 2425.

³ *Id.* § 2425.7; see Exceptions Form at 8.

⁴ Exceptions Form at 4 (citing "master labor agreement").

⁵ 5 C.F.R. § 2425.6(e)(1); see also *Fraternal Ord. of Police, Pentagon Police Lab. Comm.*, 65 FLRA 781, 784-85 (2011) (exceptions are subject to denial under § 2425.6(e)(1) of the

Authority's Regulations if they fail to support arguments that raise recognized grounds for review).

As for the Union's remaining exceptions,⁶ upon careful consideration of the entire record in this case and Authority precedent, we conclude that the award is not deficient on the grounds raised in those exceptions and set forth in § 7122(a).⁷

Accordingly, we deny the Union's exceptions.

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⁶ Exceptions Form at 5-8; Exceptions Br. 1-3.

⁷ 5 U.S.C. § 7122; *U.S. Dep't of VA, Med. Ctr., N. Chi., Ill.*, 52 FLRA 387, 398 (1996) (award not deficient because of bias on the part of an arbitrator where excepting party fails to demonstrate that the award was procured by improper means, that there was partiality or corruption on the part of the arbitrator, or that the arbitrator engaged in misconduct that prejudiced the rights of the party); *AFGE, Loc. 1869*, 50 FLRA 172, 174 (1995) (award not deficient as being incomplete, ambiguous, or contradictory where excepting party fails to establish that implementation of the award is impossible); *AFGE, Loc. 1668*, 50 FLRA 124, 126 (1995) (award not deficient on ground that arbitrator failed to provide a fair hearing where excepting party fails to demonstrate that the arbitrator refused to hear or consider pertinent and material evidence or conducted the proceedings in a manner that so prejudiced the party as to affect the fairness of the proceeding as a whole); *U.S. DOL (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' collective-bargaining agreement where excepting party fails to establish that the award cannot in any rational way be derived from the agreement; is so unfounded in reason and fact and so unconnected to the wording and purposes of the agreement as to manifest an infidelity to the obligation of the arbitrator; does not represent a plausible interpretation of the agreement; or evidences a manifest disregard of the agreement).