

CASE DIGEST: *U.S. DOD Educ. Activity*, 72 FLRA 382 (2021) (Member Kiko concurring; Member Abbott dissenting)

On remand from the U.S. Court of Appeals for the District of Columbia Circuit, the Authority found that the Agency's sole exception to the merits of the Judge's decision constituted an impermissible collateral attack on an earlier, and now final and binding, arbitration award.

Member Kiko concurred, agreeing that the Agency's exception constituted a collateral attack on a final and binding award. She wrote separately to note that, if the Agency is truly unable to comply with the award, the parties must work together to find an alternative means of satisfying the award.

Member Abbott dissented because, in his view, the Agency's arguments were defenses against the ULP, not collateral attacks on the Arbitrator's award.

This case digest is a summary of a decision and 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.