

CASE DIGEST: *DOD, Domestic Dependent Elementary & Secondary Schs., Fort Buchanan, P.R.*, 72 FLRA 414 (2021) (Chairman DuBester concurring; Member Abbott dissenting)

This case concerned a remand from the U.S. Court of Appeals for the District of Columbia Circuit (the court). The Union had petitioned the court to review the Authority's original decision in *DOD, Domestic Dependent Elementary & Secondary Schools, Fort Buchanan, P.R.*, 71 FLRA 127 (2019) (Member DuBester dissenting). The court denied the Union's appeal in all but one respect. Specifically, the court found that the Authority had incorrectly held that a contract provision concerning the workday of bargaining-unit employees was nonnegotiable. The court remanded the case to the Authority. On remand, the Authority vacated its previous negotiability determination but concluded that it need not render another determination at this time. The Authority noted that the Union could avail itself of the negotiability-appeals process if the Union desired a further negotiability determination.

Chairman DuBester concurred in the decision to vacate the previous negotiability determination and not render another negotiability determination.

Member Abbott dissented from the majority's decision to vacate the Authority's earlier decision and send this back to the parties.

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.