

DIGEST: *U.S. DHS, U.S. CBP, 72 FLRA 463 (2021)*

Because the Arbitrator failed to follow Authority precedent when applying the “interest of justice” factors required by 5 U.S.C. § 7701(g)(1), but found that attorney fees were warranted, the Authority granted the Agency’s contrary-to-law exception and set aside the fee award in its entirety.

Chairman DuBester concurred in the decision to set aside the fee award, but noted his continued disagreement with the precedent on which the majority relied to reach that decision.

Member Abbott agreed that the Agency’s contrary-to-law exception was properly granted. However, he wrote separately to emphasize that arbitrators who intend to hear and rule on disputes submitted between Federal unions and agencies need to be thoroughly familiar with Title V.

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.