

CASE DIGEST: *U.S. Marine Corps, Marine Corps Air Ground Combat Ctr.,
Twentynine Palms & AFGE, Loc. 2018, 72 FLRA 473 (2021)*
(Chairman DuBester dissenting)

Where the parties' agreement required the Arbitrator to issue a written decision on arbitrability before proceeding to a merits hearing, the Authority found that an email finding the grievance arbitrable was an "award" for purposes of § 7122(a) of the Federal Service Labor-Management Relations Statute. However, the Authority remanded the award to the parties because the Arbitrator's conclusion was so unsupported by the record that the Authority could not determine if the award was deficient on the grounds raised by the Agency's exceptions.

Chairman DuBester dissented from the decision to grant interlocutory review, noting his continued disagreement with the majority's expanded interlocutory-review standard.

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.