

**CASE DIGEST:**     *U.S. DOJ, Fed. BOP, Fed. Corr. Ctr., Petersburg, Va. & AFGE, Loc. 2052, Council of Prison Locs. #33, 72 FLRA 477 (2021)*  
(Chairman DuBester concurring; Member Abbott concurring)

In this case, the Authority affirmed that a violation of a governing agency regulation constitutes an unwarranted or unjustified personnel action under the Back Pay Act.

Chairman DuBester concurred, noting that while he continues to disagree with the test applied by the majority to determine whether arbitration awards are contrary to a management right, he agreed that this test did not need to be applied to resolve the Agency's management-rights exception.

Member Abbott concurred, arguing that the Arbitrator did not properly apply the requirements of the Rehabilitation Act. However, because the Agency did not challenge those findings, he was constrained to find that the Agency failed to establish that the award was contrary to law

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.