

**CASE DIGEST:** *U.S. DOL, Office of Workers' Comp.*, 72 FLRA 489 (2021)  
(Member Abbott concurring)

In an initial fee award, the Arbitrator awarded the Union costs and seventy-five percent of the requested attorney fees after it prevailed on a grievance concerning a disciplinary action. Subsequently, the Arbitrator issued a supplemental award granting the Union additional fees for time spent preparing a response to the Agency's opposition to its fee petition. The Authority denied the Agency's exceptions to the initial fee award, and found that the Arbitrator had the authority to issue the supplemental award. However, because the Arbitrator failed to determine the reasonableness of the number of hours the Union extended in preparing the response, the Authority found that the supplemental award was contrary to law in part, set it aside, and remanded the matter to the parties for resubmission to the Arbitrator.

Member Abbott concurred, writing separately to express his concerns with arbitrable review of the penalty determinations made by Agency deciding officials in disciplinary cases.

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.