

CASE DIGEST: *U.S. Dep't of the Army, Corpus Christi Army Depot, Corpus Christi, Tex.*, 72 FLRA 541 (2021) (Member Abbott concurring; Chairman DuBester concurring in part and dissenting in part)

The Arbitrator faulted the Agency's improper selection process but also found the evidence insufficient to show that the grievant should have been selected. On exceptions, the Authority found that: (1) the Arbitrator exceeded his authority by resolving an information-request dispute that was not part of the grievance; (2) the awarded backpay and front pay were contrary to law; and (3) the Agency's other challenges lacked merit.

Member Abbott concurred and wrote separately to express his view that the Union's request was simply an evidentiary matter that should have been resolved before the hearing.

Chairman DuBester concurred with the majority in that the monetary remedies were contrary to law and that the Agency's essence exception and management-rights argument lacked merit. However, he dissented from the majority's conclusion that the Arbitrator exceeded his authority. In his view, the Union expressly submitted the information-request issue to the Arbitrator and, therefore, the Arbitrator acted within his authority by addressing it.

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.