

CASE DIGEST: *U.S. Dep't of the Army, Letterkenny Army Depot, Chambersburg, Pa., 72 FLRA 575 (2021), (Chairman DuBester concurring in part and dissenting part; Member Abbott dissenting in part)*

In this case, the Agency filed interlocutory exceptions to the Arbitrator's award finding that the grievance was arbitrable and that certain employees were wrongly classified as exempt under the Fair Labor Standards Act. The Authority dismissed the Union's exceptions and those of the Agency's exceptions that could not obviate the need for further proceedings, but granted interlocutory review of the Agency's remaining exceptions. Finding that the Agency's remaining exceptions did not establish that the award was deficient, the Authority denied them.

Chairman DuBester concurred in part, and dissented in part. He agreed with the decision to dismiss the Union's exceptions, and some of the Agency's exceptions, but on the basis that they failed to raise plausible jurisdictional defects. However, in his view, the remainder of the Agency's exceptions should have been dismissed because none raised plausible jurisdictional defects, the resolution of which would advance the ultimate disposition of the case by ending the litigation.

Member Abbott dissented in part because he would find that the Arbitrator's award was deficient because the requisite findings were not made that would entitle the employees to be classified as non-exempt and therefore entitled to a remedy.

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.