

CASE DIGEST: *U.S. DHS, ICE, 73 FLRA 299 (2022)*

After a Union filed a disclaimer-of-interest petition, a local representative from the unit at issue filed a request to intervene. The Regional Director (RD) issued a decision and order denying the intervention request. The RD found that the individual lacked standing to intervene because he did not qualify as a labor organization, agency, or activity under § 2421.11(b)(2) of the Authority's Regulations. In an application for review, the individual argued that the RD misinterpreted § 2421.11. Because the application for review did not establish that the RD failed to apply established law, the Authority denied it.

Member Grundmann concurred, noting that she was concerned about the implications of not allowing the individual to intervene, but emphasizing that the narrow arguments presented in the application for review did not provide a basis for reversing the RD.

Member Kiko dissented on the basis that the RD's decision, and the process by which it was reached, suppressed affected-employee input in a manner that was fundamentally incompatible with employees' statutory rights.

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.