

CASE DIGEST: *Consumer Fin. Prot. Bureau & NTEU, Chapter 335, 73 FLRA 670*
(2023)

The Arbitrator found the Agency issued the letter of reprimand without cause, in violation of the parties' agreement. The Agency filed exceptions to the award on exceeded-authority and essence grounds, and on the ground that the award was contrary to the Due Process Clause of the Fifth Amendment to the U.S. Constitution. The Authority denied those exceptions because the Agency failed to demonstrate how the award was deficient.

In addition, the Agency argued that the award was contrary to public policy and that it conflicted with management's right to discipline employees under § 7106(a)(2)(A) of the Federal Service Labor-Management Relations Statute. The Authority clarified its test, previously set forth in *U.S. DOJ, Federal BOP, 70 FLRA 398, 405-06 (2018)* (Member DuBester dissenting), for assessing management-rights exceptions to arbitration awards enforcing collective-bargaining agreements. The Authority reserved judgment on the management-rights exceptions to allow the parties to submit additional briefs addressing how the Authority should apply the clarified test in their case.

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.