

CASE DIGEST: *Ashley Kjarbo*, 73 FLRA 892 (2024)

The Petitioner filed a petition, under § 2429.28 of the Authority's Regulations, to amend §§ 2430.1-2430.11 of the Authority's Regulations. Those Regulations implement the Equal Access to Justice Act (EAJA), which provides for an award of fees and other expenses (EAJA fees) to eligible parties to adversary adjudications. Currently, the Regulations allow only labor organizations to seek EAJA fees from the Authority when they prevail over the Authority's General Counsel in unfair-labor-practice proceedings; they do not allow individuals to recover fees, or provide for recovery from federal agencies other than the Authority. The Petitioner asserted those limitations conflict with the EAJA. The Authority found to the contrary and denied the petition.

Member Kiko concurred, noting that the Petitioner's related unfair-labor-practice proceeding highlights the care the Authority must exercise to properly balance federal unions' institutional interests with individual employees' rights, including the right to revoke union-dues assignments under § 2429.19 of the Authority's Regulations.

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.