

CASE DIGEST: *U.S. Dep't of VA, John J. Pershing VA Med. Ctr., Poplar Bluff, Mo.*, 74 FLRA 163 (2025) (Member Kiko concurring)

In a series of awards, the Arbitrator resolved an issue concerning which Union grievance contesting the grievant's non-selection for a certain position was before him; sustained that grievance; and awarded certain remedies. In resolving the merits of the grievance, the Arbitrator found the Agency violated the parties' collective-bargaining agreement and acted with union animus when it failed to select the grievant for the position. The Agency filed exceptions to the awards on essence, exceeded-authority, and nonfact grounds. The Authority dismissed the Agency's essence exception because the Agency could have, but failed to, raise its argument before the Arbitrator. The Authority denied the remaining exceptions because the Agency failed to demonstrate that the award was deficient.

Member Kiko concurred in the disposition of the exceptions, but wrote separately to underscore aspects of the case she found troubling, including errors made by the Arbitrator arising from his unfamiliarity with federal-sector personnel operations, and the position-management difficulties faced by agencies managing employees who are on 100%-official-time schedules.

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.