63 FLRA No. 157

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
Local 2199
(Union)

and

UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
VA REGIONAL OFFICE
SALT LAKE CITY, UTAH
(Agency)

0-AR-4519

DECISION

July 16, 2009

Before the Authority: Carol Waller Pope, Chairman and Thomas M. Beck, Member

This matter is before the Authority on exceptions to an award of Arbitrator Michael D. Rappaport filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority’s Regulations. The Agency filed an opposition to the Union’s exceptions.

Under § 7122(a) of the Statute, an award is deficient if it is contrary to any law, rule, or regulation, or it is deficient on other grounds similar to those applied by federal courts in private sector labor-management relations. Upon careful consideration of the entire record in this case and Authority precedent, the Authority concludes that the award is not deficient on the grounds raised in the exceptions and set forth in § 7122(a). See Prof’l Airways Sys. Specialists, Dist. No. 1, MEBA/NMU (AFL-CIO), 48 FLRA 764, 768-69 (1993) (award not deficient as contrary to law where excepting party fails to establish that the award cannot in any rational way be derived from the agreement; is so unfounded in reason and fact and so unconnected to the wording and purpose of the agreement as to manifest an infidelity to the obligation of the arbitrator; does not represent a plausible interpretation of the agreement; or evidences a manifest disregard of the agreement).

Accordingly, the Union’s exceptions are denied.