

65 FLRA No. 85

NATIONAL FEDERATION
OF FEDERAL EMPLOYEES
LOCAL 476
INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS
FEDERAL DISTRICT 1
(Union)

and

UNITED STATES
DEPARTMENT OF THE ARMY
U.S. ARMY COMMUNICATIONS-ELECTRONIC
RESEARCH, DEVELOPMENT AND
ENGINEERING CENTER
FORT MONMOUTH, NEW JERSEY
(Agency)

0-AR-4702

DECISION

January 6, 2011

Before the Authority: Carol Waller Pope, Chairman,
and Thomas M. Beck and Ernest DuBester, Members

This matter is before the Authority on exceptions to an award of Arbitrator David M. Beckerman 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 U.S. Dep't of Labor (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' collective bargaining agreement 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); *AFGE, Local 1617*, 51 FLRA 1645, 1647 (1996) (award not deficient on grounds that arbitrator exceeded his authority where excepting party fails to establish that arbitrator did not resolve an issue submitted to arbitration, resolved an issue not submitted to arbitration, disregarded specific limitations on his authority, or awarded relief to those not encompassed within the grievance).*

Accordingly, the Union's exceptions are denied.

*. *See also U.S. Dep't of Justice, Fed. Bureau of Prisons, U.S. Penitentiary, Leavenworth, Kan.*, 53 FLRA 29, 32 (1997) (where collective bargaining agreement incorporates regulations with which award allegedly conflicts, issues concerning the arbitrator's interpretation of the regulations raise questions of contract interpretation that are reviewed under the essence standard).