

**65 FLRA No. 187**

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
LOCAL 1547  
(Union)

and

UNITED STATES  
DEPARTMENT OF THE AIR FORCE  
LUKE AIR FORCE BASE, ARIZONA  
(Agency)

0-AR-4739

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DECISION

May 31, 2011

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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 Kelly J. Hansen 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).<sup>\*</sup> See *AFGE, Local 3615*, 65 FLRA 647, 649 (2011) (exceptions that directly challenge procedural arbitrability determinations on essence grounds provide no basis for finding the award deficient); *U.S. Dep't of the Navy, Naval Base, Norfolk, Va.*, 51 FLRA 305, 307-08 (1995) (award not deficient on ground that arbitrator exceeded his or her authority where

excepting party does not establish that arbitrator failed to resolve an issue submitted to arbitration, resolved an issue not submitted to arbitration, disregarded specific limitations on his authority, or awarded relief to persons who were not encompassed within the grievance); *Profl 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 is in any manner contrary to the law, rule, or regulation on which the party relies).

Accordingly, the Union's exceptions are denied.

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<sup>\*</sup> Although the Union asserts that the grievant was not notified of appeal rights to the Merit Systems Protection Board, the assertion was not raised before the Arbitrator and, therefore, is not properly before the Authority under 5 C.F.R. § 2429.5.