

65 FLRA No. 25

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 2924
(Union)

and

UNITED STATES
DEPARTMENT OF THE AIR FORCE
DAVIS-MONTHAN AIR FORCE BASE
TUCSON, ARIZONA
(Agency)

0-AR-4678

DECISION

September 28, 2010

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

This matter is before the Authority on an exception to an award of Arbitrator Charles Cambridge 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 exception.*

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 ground raised in the exception 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 is in any manner contrary to the law, rule, or regulation on which the party relies).

Accordingly, the Union's exception is denied.

* In its opposition, the Agency argues that the exception should be dismissed because the Union fails to state the basis of its exception and because the Union failed to comply with service requirements set forth in 5 C.F.R. § 2429.27. *See* Opp'n at 1. We reject the Agency's first argument because the Union's exception sufficiently states a claim that the award is contrary to an Agency regulation. *See* Exception at 1. As to the Agency's argument regarding service requirements, the Agency provides no support for this claim and, thus, we deny this claim as a bare assertion. *See, e.g., AFGE, Local 933*, 65 FLRA 9, 11 (2010). For these reasons, the Agency does not demonstrate that dismissal of the exception is warranted, and we consider the exception.