

**66 FLRA No. 64**

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
LOCAL 2145  
(Union)

and

UNITED STATES  
DEPARTMENT OF VETERANS AFFAIRS  
MEDICAL CENTER  
RICHMOND, VIRGINIA  
(Agency)

0-AR-4272  
(64 FLRA 946 (2010))

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DECISION

November 21, 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 Charles J. Murphy 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.<sup>1</sup> 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>2</sup> *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).

Accordingly, the Union's exceptions are denied.

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<sup>1</sup> In *AFGE, Local 2145*, 64 FLRA 946 (2010), the Authority set aside the Arbitrator's determination that the grievance was not arbitrable as contrary to § 7121(c)(5). The Authority remanded to the parties for resubmission to the Arbitrator, absent settlement, for a decision on the merits. This matter involves the Arbitrator's decision on the merits following the remand.

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<sup>2</sup> The Union also argues that the award is contrary to law. Exceptions at 6. This is a recognized ground for Authority review of an arbitration award. 5 C.F.R. § 2425.6(a). Section 2425.6(e)(1) of the Authority's Regulations provides that an exception "may be subject to dismissal or denial if . . . [t]he excepting party fails to raise and support a ground" listed in 5 C.F.R. § 2425.6(a)-(c). 5 C.F.R. § 2425.6(e)(1); *Fraternal Order of Police, Pentagon Police Labor Comm.*, 65 FLRA 781, 785 (2011). As the Union cites no law, rule, or regulation with which the award conflicts, it has failed to support this ground. Accordingly, we deny the Union's claim under § 2425.6(e)(1).