

66 FLRA No. 76

UNITED STATES
DEPARTMENT OF HEALTH
AND HUMAN SERVICES
FOOD AND DRUG ADMINISTRATION
(Agency)

and

NATIONAL TREASURY
EMPLOYEES UNION
CHAPTER 254
(Union)

0-AR-4783

ORDER DISMISSING EXCEPTIONS

December 21, 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 Otis H. King filed by the Agency under § 7122(a) of the Federal Service Labor-Management Relations Statute and part 2425 of the Authority's Regulations. The Union filed an opposition to the Agency's exceptions.

Under §§ 2425.4(c) and 2429.5 of the Authority's Regulations, the Authority will not consider any arguments that could have been, but were not, presented to the arbitrator. *U.S. DHS, U.S. CBP*, 66 FLRA 335, 337-38 (2011). On careful consideration of the entire record in this case, the Authority concludes that the exceptions' arguments could have been, but were not, presented to the Arbitrator.

Accordingly, the Agency's exceptions are dismissed.