

67 FLRA No. 115

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 1945
(Union)

and

UNITED STATES
DEPARTMENT OF THE ARMY
ANNISTON ARMY DEPOT
ANNISTON, ALABAMA
(Agency)

0-AR-4958
(67 FLRA 257 (2014))

ORDER DENYING
MOTION FOR RECONSIDERATION

May 30, 2014

Before the Authority: Carol Waller Pope, Chairman, and Ernest DuBester and Patrick Pizzella, Members

I. Statement of the Case

The Union previously filed an exception to an award of Arbitrator George R. Shea, Jr. and requested that the exception be resolved in an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.¹ In *AFGE, Local 1945 (Local 1945)*,² the Authority granted the Union's request for an expedited, abbreviated decision. In its decision, the Authority dismissed the Union's exception, in part, and denied it, in part. Under § 2429.17 of the Authority's Regulations,³ the Union has now filed a motion for reconsideration of *Local 1945*. Because the Union has not established that extraordinary circumstances exist to warrant granting reconsideration, we deny the Union's motion.

II. Background

Section 2425.7 of the Authority's Regulations states, in pertinent part:

Where an arbitration matter before the Authority does not involve allegations of unfair labor practices under 5 U.S.C. [§ 7116], and the excepting party wishes to receive an expedited Authority decision, the excepting party may request that the Authority issue a decision that resolves the parties' arguments without a full explanation of the background, arbitration award, parties' arguments, and analysis of those arguments.⁴

In cases in which the Authority grants a request for an expedited, abbreviated decision, or otherwise considers an expedited, abbreviated decision appropriate, the Authority gives parties' submissions the same full consideration that the Authority gives parties' submissions in cases decided under the Authority's regular procedures. The only distinction between these two categories of cases is that, as § 2425.7 makes clear, an expedited, abbreviated decision "resolves the parties' arguments without a full explanation . . . and analysis."⁵ At its request, the Union received such a decision in *Local 1945*. Subsequently, the Union filed a motion for reconsideration of *Local 1945*, and the Agency filed an opposition to the Union's motion.

III. Analysis and Conclusions

Section 2429.17 of the Authority's Regulations permits a party who can establish extraordinary circumstances to move for reconsideration of an Authority decision.⁶ The Authority has repeatedly recognized that a party seeking reconsideration of an Authority decision bears the heavy burden of establishing that extraordinary circumstances exist to justify this unusual action.⁷ In that regard, attempts to relitigate conclusions reached by the Authority are insufficient to establish extraordinary circumstances warranting reconsideration.⁸ In addition, where adopting an argument in a motion for reconsideration would have no effect on the outcome of the underlying Authority decision, that argument fails to establish extraordinary circumstances under § 2429.17.⁹

⁴ *Id.* § 2425.7.

⁵ *Id.*

⁶ *Id.* § 2429.17.

⁷ *E.g.*, *U.S. Dep't of the Treasury, IRS, Wash., D.C.*, 56 FLRA 935, 936 (2000) (*IRS*).

⁸ *Id.*

⁹ *U.S. Dep't of the Interior, U.S. Park Police*, 64 FLRA 894, 895 (2010) (*Park Police*) (rejecting argument in motion for reconsideration because "any error on the part of the Authority . . . would have had no effect on the outcome of the decision").

¹ 5 C.F.R. § 2425.7.

² 67 FLRA 257 (2014).

³ 5 C.F.R. § 2429.17.

The Union first contends that the Authority erred in *Local 1945* by finding that §§ 2425.4(c) and 2429.5 of the Authority's Regulations¹⁰ barred the Union from making an argument¹¹ that, according to the motion, the Union never made in support of its exception. But if the Union never made the disputed argument in its exception, then any error by the Authority in barring that argument had no effect on the outcome of *Local 1945*. Consequently, this contention fails to establish extraordinary circumstances warranting reconsideration.¹²

The Union also asserts that the Authority erred in *Local 1945* by finding that the award drew its essence from the party's agreement and was consistent with an Agency regulation. These assertions merely restate arguments that the Authority rejected in *Local 1945*, and such attempts to relitigate the Authority's conclusions do not establish extraordinary circumstances warranting reconsideration.¹³ Also, because an expedited, abbreviated decision does not include "a full explanation . . . and analysis" of the arguments supporting an exception,¹⁴ we do not provide such explanation or analysis here either. To do otherwise would allow a party to benefit from the expedited resolution of exceptions under § 2425.7 while circumventing the concomitant agreement to have those exceptions resolved without full explanation and analysis.

For the foregoing reasons, the Union's motion does not establish extraordinary circumstances warranting reconsideration of *Local 1945*.

IV. Order

We deny the Union's motion for reconsideration.

¹⁰ 5 C.F.R. §§ 2425.4(c), 2429.5.

¹¹ See 67 FLRA at 257.

¹² See *Park Police*, 64 FLRA at 895.

¹³ *IRS*, 56 FLRA at 936.

¹⁴ 5 C.F.R. § 2425.7.