

70 FLRA No. 13

Accordingly, we deny the Union's exceptions.

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 2431
(Union)

and

UNITED STATES
GENERAL SERVICES ADMINISTRATION
REGION 2
NEW YORK, NEW YORK
(Agency)

0-AR-5211

DECISION

November 21, 2016

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

This matter is before the Authority on exceptions to an award of Arbitrator Laurence M. Evans filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute)¹ and part 2425 of the Authority's Regulations.² The Agency filed an opposition to the Union's exceptions.

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.³

The Union does not challenge the Arbitrator's determination that the grievance was not arbitrable because it was prematurely filed. Further, to the extent that the Union's exceptions challenge the Arbitrator's holdings concerning the grievance's merits, those exceptions challenge dicta, and do not provide a basis for finding the award deficient.⁴

¹ 5 U.S.C. § 7122(a).

² 5 C.F.R. pt. 2425.

³ *Id.* § 2425.7 ("Even absent a [party's] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.").

⁴ *AFGE, Council of Prison Locals, Council 33*, 66 FLRA 602, 605 (2012) (where an arbitrator finds a grievance not procedurally arbitrable, any comments he or she makes concerning the merits of the grievance are non-binding dicta, and do not provide a basis for finding the award deficient).