

70 FLRA No. 40

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 2302
(Union)

and

UNITED STATES
DEPARTMENT OF THE ARMY
U.S. ARMY HUMAN RESOURCES COMMAND
(Agency)

0-AR-5259

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DECISION

April 14, 2017
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Before the Authority: Patrick Pizzella, Acting Chairman,
and Ernest DuBester, Member

This matter is before the Authority on exceptions to an award of Arbitrator Dennis E. Minni filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute¹ (the Statute) 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 argues that the award fails to draw its essence from Articles 2 and 42 of the parties' collective-bargaining agreement,⁴ but does not support that argument. Therefore, we deny that exception under § 2425.6(e)(1) of the Authority's Regulations.⁵

As for the Union's remaining exceptions, upon careful consideration of the entire record in this case and

Authority precedent, we conclude that the award is not deficient on the grounds raised in those exceptions and set forth in § 7122(a).⁶

Accordingly, we deny the Union's exceptions.

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 Exceptions Form at 9.

⁵ 5 C.F.R. § 2425.6(e)(1); *see also Fraternal Order of Police, Pentagon Police Labor Comm.*, 65 FLRA 781, 784 (2011) (exceptions are subject to denial under § 2425.6(e)(1) of the Authority's Regulations if they fail to support arguments that raise recognized grounds for review).

⁶ *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, rule, or regulation where excepting party fails to establish that the award is contrary to the law, rule, or regulation on which the party relies); *U.S. Dep't of the Air Force, Lowry Air Force Base, Denver, Colo.*, 48 FLRA 589, 593-94 (1993) (award not deficient as based on a nonfact where excepting party challenges a factual matter that the parties disputed at arbitration); *U.S. DOL (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 purposes 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).