Consequently, the Authority issued a show-cause order (order) directing the Agency to show cause why its exceptions should not be dismissed because the Authority is without jurisdiction to review exceptions relating to an award pertaining to the removal of the grievant from the Agency.7 In its timely response to the order, the Agency argued that the grievance was not arbitrable because the Union failed to meet the requirements of the parties’ negotiated grievance procedure.8

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority’s Regulations.9

The Arbitrator framed the issue as “whether or not there was just cause for [the grievant’s] termination.”10 Because the issue advanced at arbitration is a removal claim, and the Arbitrator’s determination is dispositive of the removal claim, the issue is reviewable on appeal to the Federal Circuit.11

The Agency raises procedural-arbitrability exceptions regarding the parties’ negotiated grievance procedure. The Authority has repeatedly held that an arbitrator’s interpretation of procedural issues under the parties’ agreement is inextricably intertwined with the original removal action.12 Here, the Agency’s procedural claims are inextricably intertwined with a removal and are, therefore, reviewable by the Federal Circuit rather than the Authority.13

Arbitration awards resolving these matters are reviewable by the Federal Circuit, rather than the Authority.6

37th Servs. Div., Lackland Air Force Base, 68 FLRA 392, 393 (2015); U.S. Dep’t of the Interior, Bureau of Indian Affairs, Wapato Irrigation Project, 65 FLRA 5, 6 (2010) (DOI) (Member Beck dissenting); Local 491, 63 FLRA at 308.

Local 933, 71 FLRA at 521; Local 491, 63 FLRA at 308; see also Appleberry v. DHS, 793 F.3d 1291, 1294-95 (Fed. Cir. 2015) (noting that the Federal Circuit had jurisdiction to review an arbitral determination of procedural arbitrability in a removal claim).

Order to Show Cause at 2.

Resp. to Order at 1-5.

§ 2425.7 (“Even absent a [party’s] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.”).

Award at 2.

Id. at 8; HUD, 71 FLRA at 721-22; DOI, 65 FLRA at 7; see also Appleberry, 793 F.3d at 1294-95.


Local 933, 71 FLRA at 521; Local 491, 63 FLRA at 308.
Upon full consideration of the circumstances of this case, including the case’s similarity to other fully detailed decisions involving the same or similar issues,\(^\text{14}\) we conclude that the Agency’s exceptions are not within the Authority’s jurisdiction and we dismiss the Agency’s exceptions on that ground.

Accordingly, we dismiss the Agency’s exceptions.

\(^{14}\) 5 C.F.R. § 2425.7.