CASE DIGEST: *U.S. SBA*, 74 FLRA 310 (2025) (Chairman Kiko concurring)

The Arbitrator found the Agency violated the parties' collective-bargaining agreement by issuing the grievant a three-day suspension. As remedies, the Arbitrator directed the Agency to remove the suspension from the grievant's record, and make the grievant whole for any loss of pay and benefits. The Agency filed exceptions to the award on exceeded-authority and essence grounds. The Authority denied the exceptions because they failed to demonstrate the award was deficient.

Chairman Kiko concurred, noting that the Arbitrator failed to direct a replacement penalty despite finding the grievant engaged in the charged misconduct. The Chairman observed that the Arbitrator neglected his obligation to promote the efficiency of the service by completely insulating the grievance from accountability for her misconduct.