

CASE DIGEST: *U.S. DOJ, Fed. BOP, Fed. Corr. Inst., Miami, Fla.*, 71 FLRA 1262 (2020)
(Member DuBester dissenting)

The Arbitrator found that the Union's grievance was arbitrable and that the Agency violated the parties' agreement by partially denying the grievant's official-time request. The Agency filed exceptions to the award on the grounds that it failed to draw its essence from the parties' agreement. The Authority denied the exceptions, concluding that the Agency failed to (1) present evidence that Union's request for a second panel of arbitrators was untimely under the parties' agreement and (2) establish that the arbitrator's interpretation conflicted with the plain wording of the parties' agreement.

Member DuBester concurred that the Agency's exceptions should be denied. He also wrote separately to express his disagreement with the majority's earlier decision to reverse the Authority's carve-out doctrine.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.