

CASE DIGEST: *U.S. Dep't of VA, VA Greater Los Angeles Healthcare Sys., Los Angeles, Cal., 71 FLRA 953 (2020) (Member DuBester concurring)*

In this case, the Arbitrator sustained the grievance, determining the Agency did not have just cause to suspend the grievant. The Agency argues that the Arbitrator denied it a fair hearing by excluding certain proffered evidence, essence, and that the award of attorney fees is contrary to the Back Pay Act. The Authority denied the exceptions, finding the Agency's fair hearing argument constituted mere disagreement with the Arbitrator's evaluation of the evidence, that the Agency failed to support its essence argument, and that its contrary-to-law exception challenged a determination that the Arbitrator did not make in the award.

Member DuBester agreed that the Agency's exceptions should be denied. However, he would have considered the Arbitrator's email clarification of the award regarding the attorney fee issue.

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.