

CASE DIGEST: *U.S. Dep't of the Navy, Navy Region Mid-Atlantic Fire & Emergency Servs., Naval Weapons Station, Earle, N.J.*, 74 FLRA 384 (2026) (Chairman Kiko concurring)

The Union filed a grievance alleging that the Agency violated the parties' collective-bargaining agreement and law by planning to contract out certain services, rather than allowing firefighters to perform those services. The Arbitrator issued an award that sustained the grievance. The Agency filed exceptions to the award on the grounds that the award was based on nonfacts, and was contrary to Agency regulations and § 7106 of the Federal Service Labor-Management Relations Statute. First, the Authority found that Executive Order 14,251 did not remove the case from the Authority's jurisdiction, because it was undisputed that the Agency is the immediate, local employing office of firefighters. Second, the Authority denied the exceptions because the Agency failed to demonstrate that the award was deficient.

Chairman Kiko concurred. Although she agreed that the Agency did not demonstrate the award was deficient, she wrote separately to highlight a concerning flaw in the Arbitrator's interpretation of statutory language: reliance on evidence of the parties' intent, rather than traditional canons of statutory construction.

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.