

73 FLRA No. 139

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 2408
(Union)

and

UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS
VA CARIBBEAN HEALTH CARE SYSTEM
SAN JUAN, PUERTO RICO
(Agency)

0-AR-5885

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DECISION

November 7, 2023

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Before the Authority: Susan Tsui Grundmann, Chairman,
and Colleen Duffy Kiko, Member

This matter is before the Authority on exceptions to an award of Arbitrator Peter E. Gillespie filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute¹ and part 2425 of the Authority's Regulations.² The Agency filed an opposition to the Union's exceptions.

The Union requests an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.³ The Agency does not oppose the Union's request. Upon full consideration of the circumstances of this case – including the case's complexity, potential for precedential value, and similarity to other, fully detailed decisions involving the same or similar issues, as well as the absence of any allegation of an unfair labor practice – we grant the Union's request.

The Union argues the award is contrary to law; contrary to regulation; and incomplete, ambiguous, or contradictory as to make implementation of the award

impossible; but does not support those arguments. Therefore, we deny those exceptions under § 2425.6(e)(1) of the Authority's Regulations.⁴ As for the Union's essence exception, upon careful consideration of the entire record in this case and Authority precedent, we conclude that the award is not deficient on the ground raised in the exception and set forth in § 7122(a).⁵

Accordingly, we deny the Union's exceptions.

¹ 5 U.S.C. § 7122(a).

² 5 C.F.R. pt. 2425.

³ See *id.* § 2425.7 (in certain circumstances, "the excepting party may request" an expedited, abbreviated decision).

⁴ *Id.* § 2425.6(e)(1); see also *Fraternal Ord. of Police, Pentagon Police Lab. Comm.*, 65 FLRA 781, 785 (2011) (exceptions are subject to denial under § 2425.6(e)(1) of the Authority's Regulations if they fail to support arguments that raise recognized grounds for review).

⁵ *U.S. DOL (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' collective-bargaining agreement where excepting party fails to establish that the award cannot in any rational way be derived from the agreement; is so unfounded in reason and fact and so unconnected to the wording and purposes of the agreement as to manifest an infidelity to the obligation of the arbitrator; does not represent a plausible interpretation of the agreement; or evidences a manifest disregard of the agreement).