

**65 FLRA No. 87**

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
COUNCIL 236  
(Union)

and

UNITED STATES  
GENERAL SERVICES ADMINISTRATION  
(Agency)

0-AR-4707

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DECISION

January 13, 2011

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Before the Authority: Carol Waller Pope, Chairman,  
and Thomas M. Beck and Ernest DuBester, Members

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

Under § 7122(a) of the Statute, an award is deficient if it is contrary to any law, rule, or regulation, or it is deficient on other grounds similar to those applied by federal courts in private sector labor-management relations. Upon careful consideration of the entire record in this case and Authority precedent, the Authority concludes that the award is not deficient on the grounds raised in the exceptions and set forth in § 7122(a).<sup>\*</sup> *See Prof'l Airways Sys. Specialists, Dist. No. 1, MEBA/NMU (AFL-CIO)*, 48 FLRA 764, 768-69 (1993) (award not deficient as contrary to law where excepting party fails to

establish that the award is in any manner contrary to the law, rule, or regulation on which the party relies).

Accordingly, the Union's exceptions are denied.

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\*. To the extent that the Union asserts that the Agency violated §§ 1(a) and 8(d) of the Agency's telework order, Exceptions at 1-2, such assertions were not raised before the Arbitrator, and therefore, are not properly before the Authority under 5 C.F.R. § 2429.5. We note that § 2429.5 was amended effective October 1, 2010. *See* 75 Fed. Reg. 42,283 (2010). Because these exceptions were filed after that date, we apply the revised Regulation.