

**65 FLRA No. 132**

UNITED STATES  
DEPARTMENT OF THE ARMY  
UNITED STATES  
ARMY CORPS OF ENGINEERS  
NEW YORK DISTRICT  
NEW YORK, NEW YORK  
(Agency)

and

INTERNATIONAL FEDERATION  
OF PROFESSIONAL AND  
TECHNICAL ENGINEERS  
LOCAL 98  
(Union)

0-AR-4732

—  
DECISION

March 21, 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 an exception to an award of Arbitrator Randi E. Lowitt filed by the Agency under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority's Regulations.\* The Union filed an opposition to the Agency's exception.

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 ground raised in the exception and set forth in § 7122(a). *See U.S. Dep't of Labor (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 purpose 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).

Accordingly, the Agency's exception is denied.

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\* Pursuant to 5 C.F.R. § 2425.7, the Agency requested that the Authority issue an expedited decision in this dispute. The Union did not object to the Agency's request.