

64 FLRA No. 11

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 1395
(Union)

and

SOCIAL SECURITY ADMINISTRATION
REGION V
(Agency)
0-AR-4319

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DECISION

September 18, 2009

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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 Milo G. Flaten 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). See *United States Dep't of Homeland Sec., United States Customs & Border Prot., United States Border Patrol, El Paso, Tex.*, 60 FLRA 883, 885 (2005) (award's alleged conflict with other arbitration awards provides no basis for finding the award deficient); *NFFE, Local 1827*, 52 FLRA 1378, 1385 (1997) (exception challenging an arbitrator's evaluation of the evidence

and determination of the weight to be accorded such evidence provides no basis for finding an award deficient); *United States Dep't of the Navy, Naval Base, Norfolk, Va.*, 51 FLRA 305, 307-08 (1995) (award not deficient on ground that arbitrator exceeded his authority where excepting party does not establish that arbitrator failed to resolve an issue submitted to arbitration, disregarded specific limitations on his authority, or awarded relief to persons who were not encompassed within the grievance); *AFGE, Local 1869*, 50 FLRA 172, 174 (1995) (award not deficient as being incomplete, ambiguous, or contradictory where excepting party fails to establish that implementation of the award is impossible); *United States Dep't of the Air Force, Lowry Air Force Base, Denver, Colo.*, 48 FLRA 589, 593-94 (1993) (award not deficient as based on a non-fact where excepting party either challenges a factual matter that the parties disputed at arbitration or fails to demonstrate that the central fact underlying the award is clearly erroneous, but for which a different result would have been reached by the arbitrator); *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); *United States 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 Union's exceptions are denied.

*. The Agency asserts that the exceptions should be denied because the Union failed to state a "proper legal basis pursuant to which the Authority might reverse the arbitrator's award here." Opposition at 6-7. We conclude that the Union's exceptions set forth sufficient grounds and arguments on which the award is allegedly deficient. Accordingly, we address the exceptions. See *Dep't of Veterans Affairs, Waco, Tex.*, 42 FLRA 1109, 1111 (1991).