

68 FLRA No. 90

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 3887
(Union)

and

UNITED STATES
DEPARTMENT OF EDUCATION
OFFICE OF FEDERAL STUDENT AID
(Agency)

0-AR-5106

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DECISION

April 30, 2015

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Before the Authority: Carol Waller Pope, Chairman, and
Ernest DuBester and Patrick Pizzella, Members

This matter is before the Authority on exceptions to an award of Arbitrator James M. Klein filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute)¹ and part 2425 of the Authority's Regulations.² The Agency filed an opposition to the Union's exceptions.

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.³

Under § 7122(a) of the Statute,⁴ 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, we conclude that the

award is not deficient on the grounds raised in the exceptions 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 *Id.* § 2425.7 ("Even absent a [party's] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.").

⁴ 5 U.S.C. § 7122(a).

⁵ *AFGE, Council of Prison Locals, Council 33*, 66 FLRA 602, 605 (2012) (where an arbitrator finds that a grievance is not procedurally arbitrable, any comments that he or she makes concerning the merits of the grievance are non-binding dicta, which do not provide a basis for finding the award deficient); *U.S. Dep't of VA, Med. Ctr., N. Chi., Ill.*, 52 FLRA 387, 398 (1996) (award not deficient because of bias on the part of an arbitrator where excepting party fails to demonstrate that the award was procured by improper means, that there was partiality or corruption on the part of the arbitrator, or that the arbitrator engaged in misconduct that prejudiced the rights of the party).