

69 FLRA No. 41

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 1415
(Union)

and

UNITED STATES
DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
PUBLIC WORKS DEPARTMENT
CRANE DIVISION
CRANE, INDIANA
(Agency)

0-AR-5148

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DECISION

April 6, 2016

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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 David S. Paull 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 *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, rule, or regulation where excepting party fails to establish that the award is contrary to the law, rule, or regulation on which the party relies); *U.S. Dep't of the Navy, Long Beach Naval Shipyard, Long Beach, Cal.*, 48 FLRA 612, 618-19 (1993) (award not deficient as contrary to public policy where excepting party fails to establish that the award violates an explicit public policy based on well-defined and dominant laws and legal precedents); *U.S. 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 nonfact where excepting party either challenges a factual matter that the parties disputed at arbitration or fails to demonstrate that a central fact underlying the award is clearly erroneous, but for which the arbitrator would have reached a different result).