

71 FLRA No. 11

NATIONAL FEDERATION
OF FEDERAL EMPLOYEES
LOCAL 777
(Union)

and

UNITED STATES
DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
(Agency)

0-AR-5356

DECISION

February 21, 2019

Before the Authority: Colleen Duffy Kiko, Chairman,
and Ernest DuBester and James T. Abbott, Members

This matter is before the Authority on exceptions to an award of Arbitrator Richard B. Danehy filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute¹ and part 2425 of the Authority's Regulations.² The Agency filed an opposition to the Union's exceptions.

The Union requests an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.³ The Agency does not oppose the Union's request. Upon full consideration of the circumstances of this case – including the case's complexity, potential for precedential value, and similarity to other, fully detailed decisions involving the same or similar issues, as well as the absence of any allegation of an unfair labor practice – we grant the Union's request.

The Union argues that the award is: contrary to law or government-wide regulation;⁴ contrary to an agency-wide regulation;⁵ incomplete, ambiguous, or

contradictory as to make its implementation impossible;⁶ and “[d]eficient according to”⁷ *U.S. Department of the Treasury, IRS, Office of Chief Counsel, Washington, D.C. v. FLRA*.⁸ However, the Union does not support those arguments. Specifically, the Union simply attaches a variety of exhibits, including a copy of the Agency's closing brief, without any explanation. Therefore, we deny the exceptions under § 2425.6(e)(1) of the Authority's Regulations.⁹

Accordingly, we deny the Union's exceptions.

¹ 5 U.S.C. § 7122(a).

² 5 C.F.R. pt. 2425.

³ See Exceptions Form at 10 (when asked whether it was requesting an expedited, abbreviated decision, the Union answered “[y]es, I think so”). Even absent the Union's request, we would have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations. See 5 C.F.R. § 2425.7.

⁴ Exceptions Form at 4.

⁵ *Id.* at 5.

⁶ *Id.*

⁷ *Id.* at 9.

⁸ 739 F.3d 13 (D.C. Cir. 2014).

⁹ 5 C.F.R. § 2425.6(e)(1); see also *Fraternal Order of Police, Pentagon Police Labor Comm.*, 65 FLRA 781, 785 (2011) (exceptions are subject to denial under § 2425.6(e)(1) of the Authority's Regulations if they fail to support arguments that raise recognized grounds for review).