

CASE DIGEST: *U.S. Dep't of VA, St. Petersburg Reg'l Benefit Office*, 71 FLRA 1 (2019) (Member DuBester dissenting)

The Union filed a motion for reconsideration of *U.S. Department of VA, St. Petersburg Regional Benefit Office (VA II)*, 70 FLRA 586 (2018) (Member DuBester dissenting), where the Authority found that the Arbitrator failed to grant an appropriate remedy on remand. In its motion for reconsideration, the Union argued that the Authority did not defer to the Arbitrator's various factual findings, and violated the Administrative Procedure Act by setting aside the remand award rather than remanding the case yet again for resubmission to the Arbitrator to fashion an appropriate remedy.

The Authority found it was under no obligation to defer to the Arbitrator's determinations in areas beyond the Arbitrator's authority. The Authority also found it not appropriate to remand a case a second time where an arbitrator has already failed to grant an appropriate remedy upon remand.

Member DuBester dissented, finding that the majority erroneously rejected the Arbitrator's findings and conclusion. He would have granted the motion for reconsideration. Member DuBester also found that the majority's failure to remand the case to the parties was inconsistent with Authority precedent and violated the Administrative Procedure Act.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.