

CASE DIGEST: *U.S. DOD, Missile Def. Agency, Redstone Arsenal, Ala.*, 71 FLRA 22 (2019)
(Member DuBester dissenting)

The Agency filed a motion asking the Authority to reconsider *U.S. DOD, Missile Defense Agency, Redstone Arsenal, Alabama*, 70 FLRA 611 (2018) (*Redstone Arsenal*) (Member DuBester dissenting). In *Redstone Arsenal*, the Union filed an unfair-labor-practice charge against the Agency after it denied the Union's request to host "lunch and learns" on an Agency-controlled property. The Administrative Law Judge granted the FLRA General Counsel's motion for summary judgment, finding that the Agency discriminated against the Union in violation of 5 U.S.C. § 7116(a)(1) by denying the Union's request "while allowing visiting vendors to engage in commercial solicitation." The Authority remanded the matter to the judge for a hearing because there was insufficient evidence in the record to find whether the Agency had acted in a discriminatory manner.

In its motion, the Agency made several arguments about whether the Union requested to solicit anyone. Because the Agency's motion for reconsideration (1) attempted to relitigate the Authority's conclusions in *Redstone Arsenal* and (2) was based on a misinterpretation of that decision, the Authority denied the motion, finding that it had not established extraordinary circumstances warranting reconsideration.

Member DuBester dissented, noting that although he would have also denied the Agency's motion, he did not believe the matter warranted remand to the Administrative Law Judge for the reasons he set forth in *Redstone Arsenal*.

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.