

**CASE DIGEST:** *Fraternal Order of Police, Lodge NO. 1*, 71 FLRA 6 (2019)

This case concerned an arbitrator's premature denial of attorney fees. The Union filed a grievance challenging the grievant's fourteen-day suspension. The Arbitrator issued an award sustaining the Union's grievance and reversing the grievant's fourteen-day suspension. However, in response to the Union's statement that it sought attorney fees, the Arbitrator denied the Union attorney fees because the Union made no attempt to demonstrate a statutory entitlement to the fees before he issued the merits award. The Authority found that the Arbitrator's denial of attorney fees is contrary to law because the Arbitrator denied the request for attorney fees before the Union had an opportunity to submit a petition for fees, and before the Agency had an opportunity to respond to a petition. Accordingly, the Authority modified the award to strike the denial of attorney fees, without prejudice to the Union's right to file a petition for attorney fees with the Arbitrator.

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.