

CASE DIGEST: *SSA, Office of Hearing Operations*, 71 FLRA 177 (2019)

This case concerned challenges to an arbitrator's findings that he did not actually make. The Union's grievance alleged a violation of an Agency policy, which allows temporary telework for medical reasons, after the Agency denied the grievant's request to telework following his back surgery. The Arbitrator found that the Agency violated the policy, and directed the Agency to restore the grievant's sick leave. On exceptions, the Agency argued that the award was based on nonfacts because the Arbitrator erroneously found that there was work available for the grievant to perform from home on particular dates. But the Arbitrator made no findings about those specific dates. Instead, he found that there was work the grievant could have performed at home at the time of his telework request. The Authority found that the Agency's nonfact exceptions challenged alleged findings that the Arbitrator did not make and, therefore, denied the exceptions.

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.