

**CASE DIGEST:** *U.S. Dep't of the Treasury, Office of the Comptroller of the Currency*,  
71 FLRA 179 (2019) (Member DuBester dissenting)

This case concerned the procedural arbitrability of the grievance. The Arbitrator found that the parties' collective-bargaining agreement required arbitration to be scheduled within six months of the invocation of arbitration and that the Union, here, complied over seven months later. The Arbitrator ruled that the grievance was arbitrable because the hearing was not unduly delayed. The Authority found the procedural-arbitrability determination failed to draw its essence from the parties' agreement and set aside the award.

Member DuBester dissented, finding that the Arbitrator properly found the grievance procedurally arbitrable. He concluded that the Arbitrator correctly considered the parties' bargaining history, past practices, and the context in which the arbitrability dispute arose in interpreting an ambiguous provision of the parties' collective-bargaining agreement concerning scheduling arbitration hearings. Finding that the Arbitrator properly concluded that the Union complied with the provision, Member DuBester would have denied the Agency's challenge to the Arbitrator's procedural-arbitrability determination.

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.