

CASE DIGEST: *U.S. Dep't of the Air Force, Pope Air Force Base, N.C. & AFGE,
Local 1770, 71 FLRA 338 (2019)*

This case originated in a grievance over the Agency's implementation of Alternative Work Schedules. Over the course of several years, the Arbitrator issued three awards, one sustaining the grievance, one finding the appropriate calculation of damages, and one granting attorney fees and costs. With respect to the fee award, the Arbitrator denied the Agency's request for an evidentiary hearing and awarded the Union all requested fees and costs. In its exceptions to the fee award, the Agency also raised exceptions to the earlier awards.

After dismissing the Agency's exceptions to the merits and damages awards as untimely, the Authority denied all of the Agency's exceptions to the fee award. First, the Authority denied as unsupported the Agency's argument that the fee award was contrary to law because the Arbitrator erred in determining the reasonableness of the fees. Next, the Authority found that the Agency's argument that it was denied a fair hearing constituted mere disagreement with the Arbitrator's evaluation of the evidence, and also denied the Agency's argument that the fee award was incomplete or ambiguous because the award was not impossible to implement. The Authority then rejected the Agency's argument that the Arbitrator exhibited bias, finding the mere fact that the Arbitrator found in favor of the Union did not demonstrate bias. Finally, the Authority rejected the Agency's argument that the fee award was contrary to public policy because the Agency failed to clearly demonstrate how the award violated an explicit and well-defined policy consideration.

Member DuBester concurred in the decision to deny the Agency's 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.