

**CASE DIGEST:** *AFGE, Nat'l Veterans Affairs, Council #53 & VA*, 71 FLRA 410 (2019) (Member DuBester concurring).

This case concerns the Agency's duty to bargain over the implementation of the Veterans Affairs Accountability and Whistleblower Protection Act of 2017 (Accountability Act). The Arbitrator concluded that the Agency did not have a duty to bargain because the Accountability Act specifically provided for the procedures and the Agency had sole and exclusive discretion. The Union filed exceptions arguing the award was contrary to law. The Authority found that the award was contrary to law because the Agency had a duty to bargain under §§ 7106(b)(2) and (3) of the Federal Service Labor-Management Relations Statute.

Member DuBester concurred in the decision to vacate the award as contrary to law.

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.