

CASE DIGEST: *Dep't of VA, Edith Nourse Rogers Memorial VA Med. Ctr., Bedford, Mass.*, 71 FLRA 232 (Member DuBester concurring)

This case concerned an Agency directing a social worker who spent 100% of her work time in a medical center to instead work half-time in the center and half-time traveling to patients' homes. The Arbitrator found the Agency violated Article 25 of the parties' agreement, which required reassignments to be seniority-based, and ordered the grievant restored to the position she held prior to the improper reassignment. On exceptions, the Agency argued that the award was contrary to law because it violated the Agency's management rights under § 7106(a) of the Federal Service Labor-Management Relations Statute. The Authority found an Agency argument about the effect of the remedy was inconsistent with the argument it made before the Arbitrator and refused to consider it. The Authority further found that the Arbitrator's awarded remedies did not excessively interfere with the Agency's management rights.

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.