

**CASE DIGEST:** *U.S. Dep't of the Air Force, Davis-Monthan Air Force Base, Ariz.*, 71 FLRA 227 (2019) (Member DuBester concurring; Chairman Kiko dissenting)

This case concerned a grievant who had been denied multiple official time requests by the Agency. The grievances alleged that the Agency violated the parties' memorandum of agreement (MOA) since the time requests established "special situations" and provided sufficient information to allow the Agency to determine the reasonableness of the time requests. The Arbitrator found that, although the MOA did not define a "special situation," the grievant's increase in representational activity established a special situation, that the Agency was aware of the increase in representational activity, that the former labor relations officer of the Agency said that the time requests should have been approved, and so she found that the Agency violated the parties' collective-bargaining agreement (CBA) and MOA when it denied some of the official time requests made by the grievant.

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

In dissent, Chairman Kiko noted that the MOA did, in fact, define "special situations" as involving a "temporary change" to the agreed-upon schedule. The Chairman stated that the grievant's constant requests for more official time, nearly every day, could not plausibly be classified as a "temporary change." Accordingly, the Chairman would have found that the award failed to draw its essence from the CBA and the MOA.

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.