

**CASE DIGEST:** *U.S. DHS, U.S. CBP and AFGE, Local 3307, Nat'l Border Patrol Council, 71 FLRA 895*

This case concerned whether the Union timely filed its grievance. The Agency placed the grievant on administrative duty following his off-duty arrest for driving while intoxicated. Approximately eighteen months later, he was acquitted of the charge, and the Agency returned him to regular duty. Shortly thereafter, the Union filed a grievance. The Arbitrator found that the Union timely filed that grievance.

On exceptions, the parties stipulated that the Arbitrator should resolve the issue of whether the Union timely filed the grievance. The Authority determined that the Arbitrator failed to resolve that issue and, instead, resolved an issue not before her. Accordingly, the Authority found that the Arbitrator exceeded her authority. In modifying the award to address this deficiency, the Authority found the grievance untimely under the parties' agreement and set aside the award.

Member DuBester dissented. Noting that the Arbitrator's finding that the grievance was timely was directly responsive to the issues stipulated by the parties, he would have denied the Agency's exceeded-authority exception.

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.