

CASE DIGEST: *U.S. Dep’t of Justice, Executive Office of Immigration Review & Nat’l Ass’n of Immigration Judges, IFPTE, Judicial Council 2*, 71 FLRA 1046 (2020) (Member DuBester dissenting)

With this case, we reevaluate our precedent concerning whether immigration judges are management officials under 5 U.S.C. § 7103(a)(11). The Agency filed an application for review with the Authority, arguing that the Authority should, among other things, reconsider its decision in *U.S. DOJ, Executive Office for Immigration Review*, 56 FLRA 616 (2000) (*EOIR 2000*). After considering the record and reviewing prior precedent, the Authority found that *EOIR 2000* was incorrectly decided. As such, the Authority vacated that decision and found that immigration judges are management officials, and therefore, excluded from being members of the bargaining unit pursuant to the Federal Service Labor-Management Relations Statute.

Member DuBester dissented, finding that the majority ignored precedent governing both the review of unit certifications and the scope of the “management official” exclusion, as defined in § 7103(a)(11). He also found that the majority failed to establish any plausible reason for reconsidering *EOIR 2000* or concluding that it conflicted with Authority precedent.

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.