

CASE DIGEST: *U.S. Dep’t of VA, Consol. Mail Outpatient Pharmacy,
Leavenworth, Kan., 72 FLRA 455 (2021) (Chairman DuBester
concurring)*

The Arbitrator sustained the Union’s grievance alleging that the Agency violated the training provisions of the parties’ agreement. As a remedy, the Arbitrator awarded backpay to each of the grievants. The Agency filed exceptions to only the backpay portion of the award on contrary-to-law, essence, and nonfact grounds. Because the Arbitrator did not find, and the record did not establish, that the grievants would have earned the awarded backpay if the Agency had met its contractual training obligations, the Authority found that remedy contrary to the Back Pay Act, and set aside that portion of the award.

Chairman DuBester concurred, finding that under the circumstances of this case, the award failed to satisfy the requirements of the Back Pay Act.

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.