

CASE DIGEST: *AFGE, Loc. 3184*, 73 FLRA 715 (2023)

The Arbitrator sustained a grievance challenging a suspension and later awarded limited attorney fees (fee award). In *AFGE, Local 3184*, 73 FLRA 471 (2023), the Authority granted the Union's nonfact and contrary-to-law exceptions to the fee award, and remanded the matter to the parties for resubmission to the Arbitrator for further findings regarding the attorney-fees issue.

In a remand award, the Arbitrator awarded attorney fees, but did not include any fees requested for the post-arbitration litigation of the fee dispute. The Union filed an exception to the remand award on contrary-to-law grounds. Because there was no basis for concluding that the Union knew or should have known to make arguments to the Arbitrator specifically about its entitlement to attorney fees for post-arbitration litigation, the Authority rejected the Agency's claim that the Union could not make such arguments for the first time in its exceptions. On the merits, because the remand award was not a fully articulated, reasoned decision, the Authority granted the Union's contrary-to-law exception. Further, because the Authority could not determine from the record the reasonableness of the request for the fee-dispute litigation, it remanded the matter to the parties for resubmission to an arbitrator to resolve that issue.

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.