

63 FLRA No. 163

UNITED STATES DEPARTMENT OF TRANSPOR-
TATION
FEDERAL AVIATION ADMINISTRATION
(Agency)

and

PROFESSIONAL AIRWAYS SYSTEMS SPECIAL-
ISTS
(Union)

0-AR-4215

DECISION

July 31, 2009

Before the Authority: Carol Waller Pope, Chairman and
Thomas M. Beck, Member

This matter is before the Authority on an exception
to an award of Arbitrator

Shyam Das filed by the Agency under § 7122(a) of
the Federal Service Labor-Management Relations Stat-
ute (the Statute) and part 2425 of the Authority's Regu-
lations. The Union filed an opposition to the Agency's
exception.

Under § 7122(a) of the Statute, an award is defi-
cient if it is contrary to any law, rule, or regulation, or it
is deficient on other grounds similar to those applied by
federal courts in private sector labor-management rela-
tions. Upon careful consideration of the entire record in
this case and Authority precedent, the Authority con-
cludes that the award is not deficient on the grounds
raised in the exception and set forth in § 7122(a). *See*
United States Dep't of Labor (OSHA), 34 FLRA 573,
575 (1990) (award not deficient as failing to draw its
essence from the parties' collective bargaining agree-
ment where excepting party fails to establish that the
award cannot in any rational way be derived from the
agreement; is so unfounded in reason and fact and so
unconnected to the wording and purpose of the agree-
ment as to manifest an infidelity to the obligation of the
arbitrator; does not represent a plausible interpretation
of the agreement; or evidences a manifest disregard of
the agreement).

Accordingly, the Agency's exception is denied.