

65 FLRA No. 99

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 3723
(Union)

and

UNITED STATES
DEPARTMENT OF THE NAVY
MARINE CORPS COMMUNITY SERVICES
MARINE CORPS AIR STATION MIRAMAR
SAN DIEGO, CALIFORNIA
(Agency)

0-AR-4706

DECISION

January 31, 2011

Before the Authority: Carol Waller Pope, Chairman,
and Thomas M. Beck and Ernest DuBester, Members

This matter is before the Authority on an exception to an award of Arbitrator Myron L. Joseph filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute) and part 2425 of the Authority's Regulations. The Agency did not file an opposition to the Union's exception.

Under § 7122(a) of the Statute, an award is deficient 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 relations. Upon careful consideration of the entire record in this case and Authority precedent, the Authority concludes that the award is not deficient on the ground raised in the exception and set forth in § 7122(a). *See U.S. Dep't of Labor (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' collective bargaining agreement 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 agreement 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 Union's exception is denied.