

66 FLRA No. 86

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 1815
(Union)

and

UNITED STATES
DEPARTMENT OF THE ARMY
ARMY AVIATION CENTER OF EXCELLENCE
110TH AVIATION BRIGADE
FORT RUCKER, ALABAMA
(Agency)

0-AR-4775

—
DECISION

January 31, 2012
—

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 Danielle L. Hargrove filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (Statute) and part 2425 of the Authority's Regulations.¹ The Agency filed an opposition to the Union's exception.²

The Union claims that the award fails to draw its essence from the parties' agreement, arguing that the agreement's "essence" is to "attempt to resolve issues at th[e] lowest level." Exception at 8; Cover Letter to Exception at 3. The Union contends that the Agency's violation of the parties' agreement forced the Union to pursue this matter to arbitration, contrary to the essence

of the agreement. Exception at 8; Cover Letter to Exception at 3.

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.

¹ Pursuant to § 2425.7 of the Authority's Regulations, the Union requested an "expedited, abbreviated" decision "resolv[ing] the parties' arguments without a full explanation of the background, arbitration award, parties' arguments, and analysis of those arguments." 5 C.F.R. § 2425.7; Exception at 10. The Agency did not oppose the Union's request. Opp'n at 1. Upon consideration of all of the case's circumstances – such as the absence of an opposition, the case's complexity, and its similarity to other fully-detailed decisions involving the same or similar issues – we grant the Union's request.

² The Union also filed a supplemental submission to the Agency's opposition. As the Union failed to request leave under 5 C.F.R. § 2429.26 of the Authority's Regulations to file this supplemental submission, we do not consider the submission. *See AFGE, Council 215*, 66 FLRA 137, 137 n.1 (2011).