

67 FLRA No. 103

UNITED STATES
DEPARTMENT OF HEALTH
AND HUMAN SERVICES
REGION IX
INDIAN HEALTH SERVICE
(Agency)

and

LABORERS' INTERNATIONAL
UNION OF NORTH AMERICA
LOCAL 1386
(Union)

0-AR-4984

DECISION

April 30, 2014

Before the Authority: Carol Waller Pope, Chairman, and
Ernest DuBester and Patrick Pizzella, Members

This matter is before the Authority on an exception to an award of Arbitrator Robin Matt, filed by the Agency under § 7122(a) of the Federal Service Labor-Management Relations Statute and part 2425 of the Authority's Regulations. The Agency requests an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.¹ Although the Union filed an

¹ Section 2425.7 provides, in pertinent part:

Where an arbitration matter before the Authority does not involve allegations of unfair labor practices under 5 U.S.C. [§] 7116, and the excepting party wishes to receive an expedited Authority decision, the excepting party may request that the Authority issue a decision that resolves the parties' arguments without a full explanation of the background, arbitration award, parties' arguments, and analysis of those arguments. In determining whether such an abbreviated decision is appropriate, the Authority will consider all of the circumstances of the case, including, but not limited to: whether any opposition filed under § 2425.3 . . . objects to issuance of such a decision and, if so, the reasons for such an objection; and the case's complexity, potential for precedential value, and similarity to other, fully detailed

opposition to the Agency's exception, the Union does not oppose the Agency's request under § 2425.7. Upon full consideration of the circumstances of this case – including the case's complexity, potential for precedential value, and similarity to other, fully detailed decisions involving the same or similar issues, as well as the absence of any allegation of an unfair labor practice – we grant the Agency's request for an expedited, abbreviated decision.

Under § 7122(a) of the Statute,² 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, we conclude that the award is not deficient on the ground raised in the exception and set forth in § 7122(a).³

Accordingly, we deny the Agency's exception.

decisions involving the same or similar issues.

² 5 C.F.R. § 2425.7.

³ 5 U.S.C. § 7122(a).

³ *U.S. DOL (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 purposes 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).