

67 FLRA No. 14

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
COUNCIL 215
(Union)

and

SOCIAL SECURITY ADMINISTRATION
OFFICE OF DISABILITY
ADJUDICATION AND REVIEW
(Agency)

0-AR-4854

DECISION

December 6, 2012

Before the Authority: Carol Waller Pope, Chairman, and
Ernest DuBester, Member

This matter is before the Authority on exceptions to an award of Arbitrator Ronald A. Leahy 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. The Union requests an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.¹

Before the Arbitrator, the parties did not stipulate to the issues, and authorized the Arbitrator to frame them. The Arbitrator framed the issues as involving only contractual matters regarding how the grievance was processed. He found that the parties failed to process the grievance according to the requirements in the parties' collective-bargaining agreement, and remanded it to the parties for appropriate processing, without resolving the merits of the grievance.

As a preliminary matter, the Authority issued an Order directing the Union to show cause why its exceptions should not be dismissed as interlocutory. Upon review of the responses to the Order and the record in this case, and consistent with Authority precedent, we find that the Union's exceptions are not interlocutory.²

¹ The text of § 2425.7 is set forth below in footnote 3.

² See 5 C.F.R. § 2429.11; *U.S. EPA, Region 2*, 59 FLRA 520, 524 (2003) (exceptions not interlocutory where award resolved issue framed by the arbitrator).

As noted above, the Union makes an unopposed request for an expedited, abbreviated decision pursuant to § 2425.7 of the Authority's Regulations.³ Upon full consideration of the Union's request and the facts in this case – 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.⁴

The Union claims that the award fails to draw its essence from the parties' agreement. The Union also claims that the Arbitrator exceeded his authority by failing to address issues pertaining to the merits of the grievance. The Union argues that instead, the Arbitrator addressed a threshold issue not raised by either party; namely, whether the parties failed to process the grievance according to the requirements of the parties' agreement.

Under § 7122(a) of the Statute, an award is deficient if it is contrary to any law, rule, or regulation, or is deficient on other grounds similar to those applied by federal courts in private sector labor-management relations.⁵ Upon careful review of the entire record in this case and Authority precedent, we find that the award is not deficient on the grounds raised in the exceptions

³ Section 2425.7 provides:

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 of this part 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 decisions involving the same or similar issues. Even absent a request, the Authority may issue expedited, abbreviated decisions in appropriate cases.

5 C.F.R. § 2425.7.

⁴ See *AFGE, Local 1815*, 66 FLRA 452, 452 n.1 (2012) (granting union's request for an expedited, abbreviated decision under 5 C.F.R. § 2425.7).

⁵ 5 U.S.C. § 7122(a).

and set forth in § 7122(a).⁶ Accordingly, we deny the Union's exceptions.

⁶ See *AFGE, Local 522*, 66 FLRA 560, 562 (2012) (award not deficient on exceeds-authority grounds where parties failed to stipulate to an issue, and award fully addressed the issue the arbitrator framed); *AFGE, Local 3615*, 65 FLRA 647, 649 (2011) (award not deficient as failing to draw its essence from parties' agreement where essence claim directly challenged arbitrator's procedural arbitrability ruling).