

**73 FLRA No. 179**

UNITED STATES  
DEPARTMENT OF VETERAN AFFAIRS  
JOHN J. PERSHING VA MEDICAL CENTER  
POPLAR BLUFF, MISSOURI  
(Agency)

and

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
LOCAL 2338  
(Union)

AR-5948

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ORDER DISMISSING EXCEPTIONS

July 15, 2024

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Before the Authority: Susan Tsui Grundmann, Chairman,  
and Colleen Duffy Kiko, Member

This matter is before the Authority on exceptions to an award of Arbitrator Jack P. Cerone filed by the Agency under § 7122(a) of the Federal Service Labor-Management Relations Statute<sup>1</sup> and part 2425 of the Authority's Regulations.<sup>2</sup> The Union filed an opposition to the Agency's exceptions.

On March 8, 2024, the Authority issued an order (March PDO) directing the Agency to correct a procedural deficiency in the filing of its exceptions.<sup>3</sup> The March PDO also stated, "[F]ailure to respond to or comply with this order by March 22, 2024, may result in dismissal of [the Agency's] exceptions."<sup>4</sup> The Agency did not respond to the March PDO. On April 15, 2024, the Authority issued a show-cause order (April SCO) directing the Agency to show cause why its exceptions should not be dismissed for failure to comply with an Authority order.<sup>5</sup>

The April SCO also provided that "failure to comply with this order by April 29, 2024, may result in dismissal of the Agency's exceptions."<sup>6</sup> The Agency did not respond to the April SCO.

The Authority will dismiss a party's filing when the party does not comply with an Authority order concerning that filing.<sup>7</sup> Failure to respond to a show-cause order is among the grounds that warrant dismissal.<sup>8</sup> As discussed above, the Agency did not respond to the April SCO, which expressly stated that failure to respond may result in dismissal of the Agency's exceptions.<sup>9</sup>

For this reason, we dismiss the Agency's exceptions.<sup>10</sup>

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<sup>1</sup> 5 U.S.C. § 7122(a).

<sup>2</sup> 5 C.F.R. pt. 2425.

<sup>3</sup> March PDO at 1.

<sup>4</sup> *Id.* at 2 (emphasis omitted).

<sup>5</sup> April SCO at 1.

<sup>6</sup> *Id.* at 2 (emphasis omitted).

<sup>7</sup> *U.S. DOJ, Fed. BOP, USP Admin. Maximum (ADX), Florence, Colo.*, 66 FLRA 20, 20-21 (2011).

<sup>8</sup> *See, e.g., U.S. Dep't of the Navy, Naval Facilities Eng'g Command, Mid-Atl. (NAVFAC MIDLANT) Norfolk, Va.*, 70 FLRA 347, 347 (2017) (citing *U.S. Dep't of VA, Med. Ctr., Coatesville, Pa.*, 56 FLRA 829, 830 n.1 (2000); *U.S. Dep't of the*

*Air Force, Albrook Air Force Base, Pan.*, 39 FLRA 629, 630-32 (1991)).

<sup>9</sup> April SCO at 2.

<sup>10</sup> The Union filed a supplemental submission, asking the Authority to dismiss the Agency's exceptions. Union's June 20, 2024 Request for Dismissal at 2. We need not consider that submission or determine whether it is properly before us, because – for the reasons stated above – we would have independently dismissed the Agency's exceptions, even absent the supplemental submission.