

**73 FLRA No. 29**

AMERICAN FEDERATION  
OF GOVERNMENT EMPLOYEES  
LOCAL 2361  
(Union)

and

UNITED STATES  
DEPARTMENT OF THE AIR FORCE  
WHITEMAN AFB, MISSOURI  
(Agency)

0-AR-5795

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DECISION

July 19, 2022

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Before the Authority: Ernest DuBester, Chairman, and  
Colleen Duffy Kiko and Susan Tsui Grundmann,  
Members

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

The Union requests an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.<sup>3</sup> The Agency does not oppose the Union's request. Upon full consideration of the circumstances of this case –

<sup>1</sup> 5 U.S.C. § 7122(a).

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

<sup>3</sup> Exceptions Form at 7; *see* 5 C.F.R. § 2425.7 (in certain circumstances, "the excepting party may request" an expedited, abbreviated decision).

<sup>4</sup> 5 U.S.C. § 7122(a).

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 Union's request.

Under § 7122(a) of the Statute,<sup>4</sup> 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 grounds raised in the exception and set forth in § 7122(a).<sup>5</sup>

Accordingly, we deny the Union's exceptions.

<sup>5</sup> *AFGE, Loc. 1802*, 50 FLRA 396, 398 (1995) (award not deficient as based on a nonfact where excepting party challenges a conclusion based on the arbitrator's interpretation of the parties' collective-bargaining agreement); *U.S. Dep't of the Air Force, Lowry Air Force Base, Denver, Colo.*, 48 FLRA 589, 593-94 (1993) (award not deficient as based on a nonfact where excepting party either challenges a factual matter that the parties disputed at arbitration or fails to demonstrate that a central fact underlying the award is clearly erroneous, but for which the arbitrator would have reached a different result); *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).