

**CASE DIGEST:**     *U.S. Dep’t of HHS, Food & Drug Admin., San Antonio, Tex.,*  
72 FLRA 179 (2021) (Chairman DuBester concurring)

The Agency filed exceptions to an award, arguing that it was based on a nonfact and failed to draw its essence from the parties’ agreement. The Authority found that the Agency failed to demonstrate that the asserted nonfact was the “but for” reason the Arbitrator concluded the Agency violated the parties’ agreement. The Authority also reaffirmed that mere disagreement with an arbitrator’s interpretation does not demonstrate that an award fails to draw its essence from the parties’ agreement.

Chairman DuBester concurred in the decision to deny the Agency’s nonfact and essence exceptions.

This case digest is a summary of a decision issued by the Federal Labor Relations Authority, with a short description of the issues and facts of the case. Descriptions contained in this case digest are for informational purposes only, do not constitute legal precedent, and are not intended to be a substitute for the opinion of the Authority.