

CASE DIGEST: *U.S. DOJ, Fed. BOP, Fed. Corr. Inst., Seagoville, Tex.*, 74 FLRA 40 (2024)

The Arbitrator issued an award finding the Union's grievance procedurally arbitrable and granting the grievance on the merits. The Agency filed exceptions to the Arbitrator's arbitrability determination on essence grounds, and to the merits determination on contrary-to-law grounds. Because the Agency could have, but did not, raise several of its arguments to the Arbitrator, the Authority partially dismissed the essence exceptions. The Authority denied the Agency's remaining essence exception because it did not demonstrate the award was deficient.

The Authority applied the test articulated in *Consumer Financial Protection Bureau*, 73 FLRA 670 (2023), to resolve the Agency's argument that the award was contrary to management's right to assign work under § 7106(a)(2)(B) of the Federal Service Labor-Management Relations Statute (the Statute). The Authority found the award affected management's right to assign work and the Union failed to demonstrate that any contract provisions interpreted and applied by the Arbitrator were enforceable under § 7106(b) of the Statute. Therefore, the Authority set aside the merits portion of the award.

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.