

CASE DIGEST: *AFGE, Loc. 4012 and SSA, Denver, Colo.*, 73 FLRA 560 (2023)

The Union filed a motion for attorney fees after the Arbitrator reduced an employee's suspension. Finding that the Union had not satisfied the Back Pay Act's requirement that an award of attorney fees be warranted in the interest of justice, the Arbitrator denied the motion. The Union filed exceptions arguing that the Arbitrator misapplied Authority precedent and that the Authority's interest-of-justice precedent conflicts with public policy. The Union also argued, for the first time, that public policy required the Arbitrator to award attorney fees. Because the Union failed to establish that the Arbitrator erred, or to identify a public policy that conflicted with Authority precedent, the Authority denied these exceptions. And because the Union could have raised the argument that public policy required the Arbitrator to award attorney fees at arbitration, but did not, the Authority dismissed this exception. Chairman Grundmann concurred.

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.