

CASE DIGEST: *U.S. Dep't of the Army, Ky. Nat'l Guard, The Adjutant Gen., Commonwealth of Ky.*, 74 FLRA 215 (2025)

The Union filed a grievance alleging the Agency violated the Administrative Procedure Act (APA) by not using the grievant's promotion date as the effective date for paying the grievant a retention incentive. The Arbitrator sustained the grievance, finding the Agency acted arbitrarily and capriciously in violation of the APA by paying the retention incentive only after it was approved by the Adjutant General. Citing its reliance on government-wide regulations and related Office of Personnel Management guidance to justify its actions, the Agency argued that the award was contrary to law. The Authority concluded that the Arbitrator's finding that the Agency acted arbitrarily and capriciously was contrary to the APA. Therefore, the Authority granted the Agency's contrary-to-law exception and set aside the award.

This case digest is a summary of an order 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.