

CASE DIGEST: *AFGE, Local 446 & U.S. Department of Agriculture, Forest Service, Asheville, N.C.*, 71 FLRA 1020 (2020) (Member DuBester concurring).

At issue in this case is whether the Union is entitled to attorney fees simply because it successfully challenged a disciplinary action, resulting in the action being reversed. The Authority found that the denial of attorney fees was consistent with its case precedent and the *Allen* factors. Accordingly, the Authority denied the exception as the awarding of attorney fees under the Back Pay Act must be in the interest of justice.

Member DuBester concurred in the decision to deny the Union's exception.

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.