

**CASE DIGEST:**     *U.S. Dep’t of VA, Veterans Benefits Admin., 72 FLRA 57 (2021)*  
(Member Abbott concurring; Chairman DuBester dissenting)

The Arbitrator found the grievance procedurally arbitrable because the parties’ agreement permitted the Union to file a national grievance by either elevating a local grievance to the national level or by independently filing a national grievance—even when the national grievance pertains to similar matters as the previously filed local grievance. The Authority found that the Agency’s nonfact exception failed to challenge a central fact underlying the award and that the Agency’s essence exception failed to raise any deficiencies in the Arbitrator’s application of the parties’ agreement. Therefore, the Authority denied the Agency’s exceptions.

Member Abbott concurred in the decision, but wrote separately to highlight the issues that arise from permitting unions to file multiple grievances that concern the same set of factual circumstances or advance substantially similar legal theories.

Chairman DuBester dissented, finding that the interlocutory exceptions should be dismissed because they failed to raise a plausible jurisdictional defect.

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.