

CASE DIGEST: *U.S. DHS, U.S. CBP, U.S. Border Patrol, El Paso Sector, El Paso Tex.*, 71 FLRA 253 (2021) (Member Abbott dissenting in part)

The Arbitrator found that the Agency violated the parties' agreement by retaliating against the grievant for pursuing grievances on behalf of herself and other employees. The Agency filed several exceptions to the award, including an argument challenging whether the Arbitrator exceeded his authority by reaching an issue that was not before him. After acknowledging that the Union withdrew the issue of assignment trading at arbitration, the Arbitrator made findings and awarded remedies concerning assignment trading. Therefore, the Authority granted the Agency's exceeded-authority exception, in part, and set aside those findings and remedies. However, the Authority denied the Agency's remaining exceptions for failing to establish that the award was otherwise deficient.

Member Abbott dissented in part, reaching a different conclusion on the Agency's ambiguity 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.