

CASE DIGEST: *U.S. DHS CBP and NTEU, Chapter 149, 72 FLRA 340 (2021)*
(Chairman DuBester concurring; Member Kiko concurring)

The Authority reaffirms that if there is a postponement in the determination of an issue or instructions to the parties to reach an agreement and determine remedies for the unresolved issues while the Arbitrator retains jurisdiction, then the Arbitrator's award is not final. Accordingly, the Agency's exceptions are considered interlocutory. Because we find that extraordinary circumstances do not warrant immediate review of the Agency's exceptions, we dismiss them.

Chairman DuBester concurred in the decision to dismiss the Agency's interlocutory exceptions.

Member Kiko concurred in the decision to dismiss the exceptions. Prior to dismissal, she would have first followed the Authority's standard practice of issuing an order directing the Agency to show cause why its decisions should not be dismissed as interlocutory.

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.