

**CASE DIGEST:**     *U.S. DOJ, Fed. BOP, Fed. Corr. Complex, Victorville, Cal.,*  
73 FLRA 725 (2023)

The Union filed a grievance alleging the Agency was selecting employees for overtime in a manner that conflicted with the parties' collective-bargaining agreement. After the Arbitrator sustained the grievance, the Agency filed essence and contrary-to-law exceptions. In its essence exception, the Agency argued the grievance was untimely because the Union was aware of the grieved event earlier than the date the Arbitrator identified. In its contrary-to-law exception, the Agency argued the Arbitrator improperly placed the burden on the Agency to defend its overtime-selection actions. Because the Agency merely challenged a factual finding underlying the timeliness determination, the Authority denied the essence exception. As the Agency failed to demonstrate that the Arbitrator was obligated to evaluate the evidence differently, the Authority denied the contrary-to-law 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.