

73 FLRA No. 59

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES
LOCAL 515
(Union)

and

UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS
MIAMI VA MEDICAL CENTER
MIAMI, FLORIDA
(Agency)

0-AR-5770

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DECISION

October 13, 2022

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Before the Authority: Ernest DuBester, Chairman, and
Colleen Duffy Kiko and Susan Tsui Grundmann,
Members

This matter is before the Authority on exceptions to an award of Arbitrator J. J. Pierson filed by the Union under § 7122(a) of the Federal Service Labor-Management Relations Statute (the Statute)¹ and part 2425 of the Authority's Regulations.² The Agency filed an opposition to the Union's exceptions.³

We have determined that this case is appropriate for issuance as an expedited, abbreviated decision under § 2425.7 of the Authority's Regulations.⁴

Under § 7122(a) of the Statute,⁵ an award is deficient if it is contrary to any law, rule, or regulation, or it is deficient on other grounds similar to those applied by

federal courts in private-sector labor-management relations. Upon careful consideration of the entire record in this case and Authority precedent, we conclude that the award is not deficient on any of the grounds raised in the exceptions and set forth in § 7122(a).⁶

Accordingly, we deny the Union's exceptions.

¹ 5 U.S.C. § 7122(a).

² 5 C.F.R. pt. 2425.

³ On December 14, 2021, the Authority's Office of Case Intake and Publication issued a procedural-deficiency order directing the Union to file a statement of service by December 28, showing service of the exceptions on two Agency representatives that did not originally receive them. On December 17, the Union served the exceptions and filed the statement showing that it cured the deficiency. On December 29, the Agency timely filed a second opposition in response.

⁴ 5 C.F.R. § 2425.7 ("Even absent a [party's] request, the Authority may issue expedited, abbreviated decisions in appropriate cases.")

⁵ 5 U.S.C. § 7122.

⁶ *U.S. Dep't of VA, Med. Ctr., N. Chi., Ill.*, 52 FLRA 387, 398 (1996) (award not deficient because of bias on the part of an arbitrator where excepting party fails to demonstrate that the award was procured by improper means, that there was partiality or corruption on the part of the arbitrator, or that the arbitrator engaged in misconduct that prejudiced the rights of the party); *U.S. DOL (OSHA)*, 34 FLRA 573, 575 (1990) (award not deficient as failing to draw its essence from the parties' collective-bargaining agreement where excepting party fails to establish that the award cannot in any rational way be derived from the agreement; is so unfounded in reason and fact and so unconnected to the wording and purposes of the agreement as to manifest an infidelity to the obligation of the arbitrator; does not represent a plausible interpretation of the agreement; or evidences a manifest disregard of the agreement).