

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any formal errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:)
)
District of Columbia Department)
of Corrections,)
)
Petitioner,)
)
)
and)
)
Fraternal Order of Police/)
Department of Corrections Labor)
Committee (on behalf of Grievant)
Ronald Watkins),)
)
Respondent.)

PERB Case No. 99-A-02
Opinion No. 586

DECISION AND ORDER

On December 24, 1998, the Office of Labor Relations and Collective Bargaining (OLRCB), filed an Arbitration Review Request on behalf of the District of Columbia Department of Corrections (DOC). OLRCB seeks review of an arbitration award (Award) upholding a grievance filed by the Fraternal Order of Police/Department of Corrections Labor Committee (FOP) reinstating a bargaining unit employee whose proposed termination was not for cause. OLRCB contends that the Award is contrary to law and public policy. FOP opposes review, arguing no statutory basis exists for disturbing the Award.

In the instant appeal of the Award, the issue before the Board is whether "the award on its face is contrary to law and public policy... ." D.C. Code Sec. 1-605.2(6). The Board concludes that OLRCB has not established a statutory basis for our review.

DOC based the grievant's termination on his failure to timely file a statement disclosing any adverse contracts with a criminal justice agency as required by a DOC department order. The grievant claimed his disclosure statement had been placed within the inter-office mail within the applicable deadline. DOC officials admitted that the date a disclosure statement was sent, not the date it was logged in, should govern in determining its

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timeliness. The arbitrator resolved this factual dispute in the grievant's favor and ordered him reinstated.

OLRCB takes issue with the Arbitrator's conclusion. OLRCB contends that the Grievant bypassed the chain of command by using the inter-office mail and, therefore, his filing should be considered untimely. This factual dispute was presented to the arbitrator who resolved it by crediting the grievant's version of events. We see no reason to upset the arbitrator's factual findings. It is well settled that disputes over the Arbitrator's evaluation of the evidence does not raise an issue for review. D.C. Public Schools and Washington Teachers Union, 43 DCR 1243, Slip Op. No. 349, PERB Case No. 93-A-01 (1996). The weight and the significance of evidence is within the arbitrator's discretion and does not state a statutory basis for review. See, e.g., American Federation of State, County and Municipal Employees, D.C. Council 20, AFL-CIO and D.C. General Hospital, 37 DCR 6172, Slip Op. No. 253, PERB Case No. 90-A-04 (1990).

Given the authority and findings of the Arbitrator, OLRCB has provided no grounds for finding that the Award is contrary to law and public policy. In view of the above, the Request presents no statutory basis under the CMPA for remanding the Award to the Arbitrator or to modify or set aside the Award.

ORDER

IT IS HEREBY ORDERED THAT:

The Arbitration Review Request is denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

April 28, 1999