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August 26, 2014

#### [Seventh Circuit Re-Affirms Courts' Limited Review of Arbitration Awards](#)

*United Steel Workers International Union v. PPG Industries, Inc.*  
751 F.3d 580 (7th Cir. 2014)

In *United Steel Workers International Union v. PPG Industries, Inc.*, 751 F.3d 580 (7th Cir. 2014), the Seventh Circuit affirmed the trial court's refusal to alter an arbitration award that interpreted a collective bargaining agreement (CBA).

In *United Steel*, unions representing workers in a manufacturing facility (collectively, the "union") claimed that the employer, PPG Industries, failed to provide adequate notice of its proposed wage cuts. Before ending up in federal court, the parties submitted their dispute to arbitration.

The arbitrator's award recounted the history of the parties' dispute and determined that certain of PPG's proposals were timely under the CBA, and others were not. After the arbitrator issued his award, PPG submitted a final offer to the union, which included only the proposals the arbitrator found to be timely. The parties reached an impasse on the final proposal and the union sued PPG in federal court seeking to rescind PPG's final offer and award employees other relief. The trial court granted summary judgment in PPG's favor.

On appeal, the union argued that the trial court misconstrued the arbitration award and requested that the Seventh Circuit bar the challenged proposals and/or find the arbitration award ambiguous. The Seventh Circuit refused to do either and affirmed the district court's decision.

The Seventh Circuit held that "federal courts have an extremely limited role in reviewing an arbitrator's decision that interprets a collective bargaining agreement." The Seventh Circuit further held that a court will not overturn an arbitrator's award, even if the award is "wrong on the law or the facts." As the court observed, an arbitrator's award is unenforceable "only if it 'strays from interpretation and application of the agreement and effectively dispenses his own brand of industrial justice.'" The Seventh Circuit reaffirmed that courts are to enforce an arbitration award as written without interjecting themselves into the arbitration process by "elaborating on or rewriting an arbitrator's award." Here, the court held that the arbitrator's award did not stray from interpreting the CBA.

Next, the Seventh Circuit reviewed whether the award was "too ambiguous to be enforced" and, thus, should be remanded to the arbitrator for clarification. Remand, the court observed, is "disfavored" and to be avoided whenever a court may "resolve apparent ambiguities by examining the arbitrator's opinion and the record." The court did not find the award ambiguous and refused to remand the award for clarification from the arbitrator.

**Keywords:** litigation, ADR, collective bargaining, labor management relations act, unenforceable, clarification, arbitration award

—*Christopher Moore, Novack and Macey LLP, Chicago IL*

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