



COMMONWEALTH of VIRGINIA
Department of Human Resource Management

OFFICE OF EMPLOYMENT DISPUTE RESOLUTION

DECISION OF HEARING OFFICER

In re:

Case Number: 11774 / 11782

Hearing Date: June 22, 2022
Decision Issued: July 12, 2022

PROCEDURAL HISTORY

On November 4, 2021, Grievant was issued a Group III Written Notice of disciplinary action with a ten workday suspension for safety rule violation for failure to undergo COVID-19 vaccination. On November 18, 2021, Grievant was issued a Group III Written Notice of disciplinary action with removal for safety rule violation for failing to undergo COVID-19 vaccination following suspension.

On November 4, 2021, Grievant timely filed a grievance to challenge the Agency's first Group III Written Notice. On November 22, 2021, Grievant timely filed a grievance to challenge the Agency's second Group III Written Notice. The matter advanced to hearing. On January 13, 2022, the Office of Employment Dispute Resolution issued Rulings 2022-5338 and 2022-5339 consolidating the disciplinary actions. On January 31, 2022, the Office of Employment Dispute Resolution assigned this appeal to the Hearing Officer. On June 22, 2022, a hearing was held by remote conference.

APPEARANCES

Grievant
University Party Designee
University Counsel
Witnesses

ISSUES

1. Whether Grievant engaged in the behavior described in the Written Notices?
2. Whether the behavior constituted misconduct?
3. Whether the University's discipline was consistent with law (e.g., free of unlawful discrimination) and policy (e.g., properly characterized as a Group I, II, or III offense)?
4. Whether there were mitigating circumstances justifying a reduction or removal of the disciplinary action, and if so, whether aggravating circumstances existed that would overcome the mitigating circumstances?

BURDEN OF PROOF

The burden of proof is on the University to show by a preponderance of the evidence that its disciplinary action against the Grievant was warranted and appropriate under the circumstances. The employee has the burden of raising and establishing any affirmative defenses to discipline and any evidence of mitigating circumstances related to discipline. Grievance Procedure Manual ("GPM") § 5.8. A preponderance of the evidence is evidence which shows that what is sought to be proved is more probable than not. GPM § 9.

FINDINGS OF FACT

After reviewing the evidence presented and observing the demeanor of each witness, the Hearing Officer makes the following findings of fact:

The University of Virginia employed Grievant as a Facility Inspector. He began working for the University in October 1996. No evidence of prior active disciplinary action was introduced during the hearing.

Grievant was an Academic Division employee who supported the Health System and was obligated to comply with the Health System's policies regarding vaccination. He was responsible for inspecting Hospital facilities by entering those facilities.

COVID-19 is a highly contagious virus that presented a safety risk to employees, their co-workers, and Hospital patients.

The University created an electronic system called VaxTrax to allow employees to submit request for exemption to the University's vaccination policy. The University refers to its employees as team members.

On August 25, 2021, the Executive Vice President sent an email to staff informing them that the University would “now require all team members without a religious or medical exemption to be vaccinated against COVID-19 by November 1, 2021. Any team member not meeting the vaccination requirement deadline will be subject to disciplinary action up to and including termination.”¹

The University assigned responsibility to a group of human resource employees to determine whether a request for exemption met the requirements of its vaccination policy. These employees received training on the University’s policies and applicable laws. The Assistant Vice President described the employees as diverse in ethnicity and religion and having the ability to “look at information that was not black and white.” If the outcome of a case was not clear, the committee decided the issue by majority vote.

The University’s objective was to distinguish between employees holding religious beliefs that precluded the taking of COVID-19 vaccines and employees using the color of religion to express personal objections to being vaccinated. Drawing this distinction was not a simple task.

The University identified all of the reasons an employee listed for refusing to take the vaccine. The University then looked at each reason to determine if it showed a religious belief precluding vaccination or reflected a personal preference. For example, if a reason reflected false information or misinformation, the University concluded the reason did not arise because of a religious belief. If the reason reflected a personal preference such as a political opinion or healthy lifestyle choice, the University concluded that the reason was not based on a religious belief. Based on this analysis, the University determined whether the employee’s application for religious exemption should be granted. The group did not document their reasoning or vote to grant or deny a request.

Employees were permitted to submit additional information after denial. Some employees submitted information three or four times. Each submission was to be reviewed by the committee. The group met daily.

On September 2, 2021, Grievant sent the Supervisor an email:

In the event I am not approved for a vaccine exemption, I would like to know what options I do have first within our department, then within FM, and UVa.

I would not object to considering work only on the only Academic side, off-grounds data work within our department from home or transferring to another department within FM or UVa that does not have vaccine requirements or any responsibilities within the medical community.²

¹ University Exhibit p. 23.

² University Exhibit p. 99.

Grievant sought exemption from the flu vaccine and COVID-19 vaccine based on his claim of holding a sincerely held religious belief.

On September 3, 2021, Grievant sought exemption from the flu vaccine. He asserted his request was granted but that the University deleted information about its approval.

On September 3, 2021, Grievant submitted his request for religious exemption to the COVID-19 vaccine using VaxTrax:

As a devout Christian, I am guided in everything I do by my faith in God and the Bible, which I believe to be God's revealed and inspired Word (2 Timothy 3:16-17). I do believe my body is the temple of the Holy Spirit. ***

While I understand I am not legally required to justify the basis for my sincerely held religious belief, nevertheless, I will provide a few of the reasons why this vaccination policy violates fundamental aspects of my Christian faith – and why I cannot, therefore, in good conscience take part in it.

1. The scriptures I used are just a few of many that have informed my religious convictions regarding my physical and spiritual health that I live by, including my sincere religious objection to receiving any of the COVID vaccines.

I must honor God with my spirit, mind, and body, and therefore I must guard what I put into my body. That includes avoiding, whenever possible, knowingly receiving foreign toxins with harmful or unknown effects, while also maximizing nutrition and cultivating a healthy natural immune system in accordance with God's design.

2. I firmly believe that the COVID vaccines are experimental. The experimental COVID vaccine ingredients are contaminants that are harmful to my body, and in addition to the commonly known health risks, there are many unknown risks due to the lack of standard testing and long-term study of these substances. The COVID-19 vaccines are unique in that they do not contain the typical viral ingredients, but rather they have never-before-used (at least to this extent) components and designs such as synthetic mRNA and lipid nanoparticles. Very little is scientifically known about these substances in humans including their short term or long-term effects on the body. In taking this vaccine, I would be taking part in an experiment I believe to be unsafe, but most importantly to me, I would be dishonoring God.

3. Due to my sincerely held religious convictions that may seem illogical or unreasonable to others, I am not able to receive this vaccine because there

are other known, safe, and effective alternatives both to treat and prevent COVID-19, including well known substances and holistic methods to nurture and boost my God-given immunity, I cannot justify being injected with the COVID-19 vaccines and still be consistent with my sincere Christian faith.

4. I have been a Christian since 1997. As a believer in Jesus, the Holy Spirit lives in me. Jesus said the Holy Spirit will guide each person who repents of their sin and believes upon Him in all truth. I seek God's will for my life through prayer, reading the Bible, and relying on the power of the Holy Spirit to help me to do God's will. I believe God's promise that "if anyone lacks wisdom, let him ask of God, who gives to all liberally." (James 1:5) I have prayed about how to respond to the COVID vaccine directives considering my religious beliefs. Since my conversion, I have committed to obey God, be willing to help humanity, and please my employer by going above and beyond what was required of me. I do believe the vaccine will harm my body. As I have prayed for answers and guidance, the Holy Spirit has moved on my heart and conscience giving me peace that whatever is done without faith is sin (Romans 14:23).

5. Taking this vaccine would not be in faith to my God or my conscience. I must not accept the COVID vaccine because that decision would be sin to me because I have not received a peace that comes in prayer and approval to take this vaccine. As well as the common side effects that are considered minor, the CDC gives this warning "...As with any medicine, there is a very remote chance of a vaccine causing a severe allergic reaction, other serious injury, or death..." Essentially, this is Russian Roulette, and I could be committing suicide by taking this vaccine. The Prophet Jeremiah says in 29:11 "For I know the plans I have for you," declares the LORD, "plans to prosper you and not to harm you, plans to give you hope and a future." If I were to go against the moving of the Holy Spirit, I would be sinning and jeopardizing my relationship with God and violating my conscience. ***

What is not done in faith is sin to me and I cannot take the COVID vaccine without violating my conscience or my faith in my God because I would be disobedient, and it could be suicide. I thank you in advance for honoring my sincerely held religious convictions.³

Grievant added as his explanation:

Please describe the religious principle, tenet, or belief for your request.

These scriptures are taken from the Holy Bible, the New International Version.

³ University Exhibit p. 91.

Exodus 20:3 ***

Jeremiah 10:2: ***

Leviticus 18:3: ***

Jeremiah 17:5: ***

Romans 1:25: ***

Psalms 20:7: ***

My sincere belief conflicts with and prevents me from receiving this vaccination because:

Exodus 20:3 “You shall have no other gods before Me.”: I have surrendered my life to the authority of Jesus the Christ who is the son of God and the atoning sacrifice that reconciles me to God in heaven. I have a prayer life and dialogue with God through Jesus and the Holy Spirit. I have requested guidance about taking the COVID vaccine. After suffering through much silence anxiety, I received an answer not to follow anyone but Him, “you, trust in me”. If my God tells me to take the vaccine, I will trust Him and I will sign up to get vaccinated and be the first one in line to become vaccinated. As of today, that answer is still “no”. My God wants me to trust in him. ***

As it was in biblical times where God instructed some to go into Egypt, I will take the vaccine if my God gives me permission to take the vaccine. ***

I would not want to gain the world or keep my job if it meant denying what my God has presently decided for me. If I am given the approval to take the vaccine, I will take the vaccine. ***

Respectfully, my sincere belief in the God I serve prevents me from taking this vaccination since I would be disobedient to my God and sinning against my God if I exchanged the knowledge I sincerely believe to be true about my God for the knowledge the CDC and my employer seeks to impose on me.

Please describe the religious principle, tenet, or belief for your request
The religious principle I submit to you is a need to obey the authority over us. These scriptures I present to you are taken from the Berean study bible.

Luke 20:25: ***

Romans 13:7: ***

Romans 13:1: ***

II Timothy 2:19: ***

II Timothy 2:12: ***

Acts 5:29: ***

Please describe why this principle, tenet or belief conflicts with or precludes you from receiving a vaccination or immunization.

The above scriptures represent a small example of the many aspects within my faith. While there is no direct scripture that prevents me from taking the vaccine, these scripture represent a small portion of my relationship to my creator and subjection to him as his child. That relationship starts with my believing in the one that he sent to this earth, and to seek my God, to love my God, and to obey my God first before everything else.

In prayer regarding this request for an exemption I was admonished that I had not properly recognized the authority given to you by my God. It was revealed to me that even though I was complying with your authority by making my exemption requests through your office, I was not truly submitted to you with a gentle spirit or a graceful attitude. I want to apologize to you and your office for my blindness; I was in sin. I try my best to be submitted to my God. I am sorry for my ungodly attitude and rebellion, and I ask you and your office for forgiveness in this matter. Please forgive me.

During my recent revelation regarding your authority in this matter, I asked my God if this means I should become vaccinated. ***

I have sought the will of my God in this matter and His answer to me is to continue to trust him regardless of what others are doing. Respectfully, I must obey my God rather than men and I humbly I ask that you consider my request knowing the authority we both are subject to, and the power granted you. I will be happy to give you a personal interview if required. Therefore, I humble myself and I appeal respectfully to your authority and request that your office grant me my request for a religious exemption to this vaccine.⁴

On September 15, 2021, Grievant's request was denied in VaxTrax:

Dear Applicant, Thank you for your request for a religious exemption under the OCH-002-Health Screening Policy. At this time your request is denied. To qualify for a religious exemption, you must briefly explain the religious principle, tenet or belief and how that religion's principles, tenets or beliefs conflict with or preclude you from receiving a vaccination. If you have additional information to submit in support of your request, you may email uvahscreening@virginia.edu. For information on becoming compliant with OCH-002, please visit Immunize UVA.

⁴ University Exhibit p. 96.

Grievant submitted additional requests for religious exemption using VaxTrax.

On September 29, 2021, Grievant was informed:

Dear Applicant, We have received your additional information, our decision remains denied. Please be aware that failure to be in compliance with the vaccination requirement by November 1, 2021, may result in disciplinary action.⁵

The University denied Grievant's final request for exemption from the COVID-19 vaccination. Grievant was not vaccinated for COVID-19 on November 1, 2021. The University issued the first Group III Written Notice with suspension. When Grievant again refused to become vaccinated, the University issued the second Group III Written Notice with removal.

CONCLUSIONS OF POLICY

Unacceptable behavior is divided into three types of offenses, according to their severity. Group I offenses "include acts of minor misconduct that require formal disciplinary action."⁶ Group II offenses "include acts of misconduct of a more serious and/or repeat nature that require formal disciplinary action." Group III offenses "include acts of misconduct of such a severe nature that a first occurrence normally should warrant termination."⁷

Vaccination Requirement

Health System Policy OCH-002 governs Occupational Health Screening and Maintenance. This policy provides:

Tier 1. Team Members whose job-related activities require them to be present in Health System Facilities at any time in a given calendar year. ***

Team Members may apply for a medical or religious exemption from any requirement specified in this Policy including any additional requirements imposed by the Medical Center Hospital Epidemiologist from time to time.

⁵ University Exhibit p. 63.

⁶ The Department of Human Resource Management ("DHRM") has issued its Policies and Procedures Manual setting forth Standards of Conduct for State employees.

⁷ Although the University submitted Medical Center Policy 701, Grievant is a University of Virginia employee subject to the Standards of Conduct, DHRM Policy 1.60. He was subject to Health System Policies such as OCH-002 because he entered Health System facilities to perform his job duties.

The Team Member seeking an Exemption Request shall be provided with a written response to such request, and shall be afforded an opportunity to present additional information, if needed, in order to properly assess the request. ***

Team Members are responsible for ensuring their compliance with the requirements of this policy, and failure to comply may result in disciplinary action up to and including termination in accordance with applicable policies and procedures. ***

Tier 1: All current Tier 1 Team Members must have completed primary vaccination against COVID 19 by November 1, 2021. ***

REQUESTS FOR EXEMPTION BASED ON SINCERELY HELD RELIGIOUS BELIEF: Tier 1 and Tier 2 Team Member applications for exemption from required vaccination or booster based on a sincerely held religious belief require the submission to Employee Health/WorkMed via VaxTrax of an Exemption Request consistent with this Policy. ***

Tier 1 Team Members granted an exemption for any reason must undergo weekly testing, must mask in accordance with current guidelines, and must follow all other requirements established by the Hospital Epidemiologist.

Grievant was a Tier 1 Team Member because he was required to enter medical facilities to perform inspections. He was obligated to become vaccinated for the COVID-19 vaccine.

Violation of Safety Rule

Group III offense include, “violating safety rules (where threat of bodily harm exists).”⁸ Becoming vaccinated for COVID-19 was a safety rule intended to reduce the spread of COVID-19. COVID-19 created a threat of bodily harm because it was highly contagious and could result in serious illness or death. Grievant failed to become vaccinated for COVID-19 thereby violating a safety rule where the threat of bodily harm existed. The Agency has presented sufficient evidence to support the issuance of a Group III Written Notice for violating a safety rule where the threat of bodily harm existed. Upon the issuance of a Group III Witten Notice, an agency may suspend an employee for up to thirty days or an agency may remove an employee. Accordingly, the Group III Written Notice with ten workday suspension must be upheld. After Grievant received the first Group III Written Notice, he had the opportunity to show the University that he intended to become vaccinated. He declined to do so. Accordingly, the Group III Written Notice with removal must be upheld.

Religious Exemption

⁸ See Attachment A, DHRM Policy 1.60.

Grievant argued he was entitled to an exemption from the University's COVID-19 vaccination requirement because of a sincerely held religious belief.

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, prohibits the University from discriminating against its employees on the basis of religion. See, 42 U.S.C. § 2000e et seq.

Title VII requires employers to accommodate religious beliefs, practices and observances if the beliefs are "sincerely held" and the reasonable accommodation poses no undue hardship on the employer.

The EEOC stated:

Religious beliefs include theistic beliefs as well as non-theistic "moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views." Although courts generally resolve doubts about particular beliefs in favor of finding that they are religious, beliefs are not protected merely because they are strongly held. Rather, religion typically concerns "ultimate ideas" about "life, purpose, and death."

Social, political, or economic philosophies, as well as mere personal preferences, are not religious beliefs protected by Title VII. (Citations omitted).⁹

Title VII does not protect social, political, or economic views or personal preferences. Thus, objections to a COVID-19 vaccination requirement that are purely based on social, political, or economic views or personal preferences, or any other nonreligious concerns (including about the possible effects of the vaccine), do not qualify as religious beliefs, practices, or observances under Title VII. However, overlap between a religious and political view does not place it outside the scope of Title VII's religious protections, as long as the view is part of a comprehensive religious belief system and is not simply an isolated teaching.¹⁰

If an employee's objection to a COVID-19 vaccination requirement is not religious in nature, or is not sincerely held, Title VII does not require the employer to provide an exception to the vaccination requirement as a religious accommodation.¹¹

⁹ <https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination>

¹⁰ <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#L>

¹¹ <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#L>

A religious practice includes, “moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views.” 29 CFR 1605.1.

In *Dachman v. Shala*, 9 F. App’x 186, 193 (4th Cir. 2001), the Court held:

While an employer has a duty to accommodate an employee’s religious beliefs, the employer does not have a duty to accommodate an employee’s preferences.

There is little doubt that Grievant has sincerely held religious beliefs. Grievant must show that those sincerely held religious beliefs preclude him being vaccinated. Simply because an employee says his or her religion precludes vaccination does not make it true. There must be some rational, reasonable, and explicit connection between the employee’s religious views and the employee’s refusal to become vaccinated. In other words, Grievant’s claim that he has religious beliefs is subject to a subjective test. Grievant’s claim that his religious beliefs preclude him from being vaccinated is subject to both a subjective and objective reasonableness test.

Grievant admits, “there is no direct scripture that prevents me from taking the vaccine” Grievant made numerous arguments about the safety and possible harm to his body that may result from the COVID-19 vaccine. For example, Grievant asserted:

The experimental COVID vaccine ingredients are contaminants that are harmful to my body, and in addition to the commonly known health risks, there are many unknown risks due to the lack of standard testing and long-term study of these substances.

The COVID-19 vaccines are unique in that they do not contain the typical viral ingredients, but rather they have never-before-used (at least to this extent) components and designs such as synthetic mRNA and lipid nanoparticles.

Very little is scientifically known about these substances in humans including their short term or long-term effects on the body.

Grievant also argued that he preferred to “nurture” and “boost” his God-given immunity as well by using “well-known substances and holistic methods.” And that he could not “take the COVID 19 vaccine ... [because] ... it is an unknown and experimental vaccine,” which would be “like Russian Roulette, and [he] could be committing suicide.”

Grievant applied religious scripture to his concerns about the safety of the COVID-19 vaccine and concluded he could not take the vaccine.

Grievant has established that he is a religious person, but he has not established that his religion precludes him from taking the COVID-19 vaccine. In *Geerlings v.*

Tredyffrin/Easttown Sch. Dist., Civil action 21-cv-4024, 13 (E.D. Pa. Sep. 27, 2021) the court held:

The notion that we should not harm our bodies is ubiquitous in religious teaching, but a “concern that [a treatment] may do more harm than good is a medical belief, not a religious one.” *Fallon v. Mercy Cath. Med. Ctr. of Se. Pennsylvania*, 877 F.3d 487, 492 (3d Cir. 2017). Even though the two may sometimes overlap, such as where a prohibition on eating pork serves both sanitary and spiritual ends, it takes more than a generalized aversion to harming the body to nudge a practice over the line from medical to religious.

Grievant’s fear of harming his body by taking the vaccine is a medical belief and not a religious belief. Grievant has not established that his medical concerns are actually religious beliefs.

Grievant argued his faith was to “inquire upon my God.” His relationship with God has dictated his life since 1997. Grievant argued that he prayed to God because the vaccine was experimental and did not obtain approval from God to take the COVID-19 vaccine. He asserted that if God gave him permission to take the COVID-19 vaccine he would have done so.

Grievant’s conversation with God is not a religious tenet. He has not established that his sincerely held religious beliefs preclude him from taking the COVID-19 vaccine.

Grievant argued he did not have to request exemption from the COVID-19 vaccine because he had been exempted from the flu vaccination. The University informed Grievant:

A separate application for a COVID-19 exemption does not need to be submitted if a team member has an approved flu vaccination exemption on file with Employee Health.

Grievant applied for an exemption to the flu vaccine on September 3, 2021. He presented documents suggesting his request had been approved on September 7, 2021. Grievant asserted the University “scrubbed” its website to remove the approval information. The documents presented by Grievant do not show clearly that he was approved for the flu vaccine. In any event, it is not clear that the University cannot revisit its approval for the flu vaccine and change that approval. The Hearing Officer does not believe that the University had approved Grievant for the flu vaccine at the time it took disciplinary action.

Grievant argued that the University had secret rules and introduced false and misleading information that the University later used to not consider his request for exemption. Although it is clear that the University poorly implemented its vaccination exemption process, Grievant did not establish a basis to reverse the disciplinary action. The University did not disclose members of the committee or record their decision-making

process. The University provided only a turgid response for its denial of exemption requests. These factors do not provide a basis to reverse the disciplinary action.

Grievant argued that the University could accommodate him by moving him to a position that did not require him to enter medical facilities or changing his duties and, thus, he would not be subject to the vaccination requirement. This argument fails because Grievant was not a person with a disability entitled to protection under the Americans with Disabilities Act. The University retained discretion to move him to another position and the University declined to do so. The University did not violate any policy by refusing to grant Grievant's request to be moved to another position or change his duties.

Mitigation

Va. Code § 2.2-3005.1 authorizes Hearing Officers to order appropriate remedies including "mitigation or reduction of the agency disciplinary action." Mitigation must be "in accordance with rules established by the Department of Human Resource Management"¹² Under the *Rules for Conducting Grievance Hearings*, "[a] hearing officer must give deference to the agency's consideration and assessment of any mitigating and aggravating circumstances. Thus, a hearing officer may mitigate the agency's discipline only if, under the record evidence, the agency's discipline exceeds the limits of reasonableness. If the hearing officer mitigates the agency's discipline, the hearing officer shall state in the hearing decision the basis for mitigation." A non-exclusive list of examples includes whether (1) the employee received adequate notice of the existence of the rule that the employee is accused of violating, (2) the agency has consistently applied disciplinary action among similarly situated employees, and (3) the disciplinary action was free of improper motive. In light of this standard, the Hearing Officer finds no mitigating circumstances exist to reduce the disciplinary action.

DECISION

For the reasons stated herein, the University's issuance to the Grievant of a Group III Written Notice of disciplinary action with a ten workday suspension is **upheld**. The University's issuance to the Grievant of a Group III Written Notice of disciplinary action with removal is **upheld**.

APPEAL RIGHTS

You may request an administrative review by EDR within **15 calendar** days from the date the decision was issued. Your request must be in writing and must be **received** by EDR within 15 calendar days of the date the decision was issued.

Please address your request to:

¹² Va. Code § 2.2-3005.

Office of Employment Dispute Resolution
Department of Human Resource Management
101 North 14th St., 12th Floor
Richmond, VA 23219

or, send by e-mail to EDR@dhrm.virginia.gov, or by fax to (804) 786-1606.

You must also provide a copy of your appeal to the other party and the hearing officer. The hearing officer's **decision becomes final** when the 15-calendar day period has expired, or when requests for administrative review have been decided.

A challenge that the hearing decision is inconsistent with state or agency policy must refer to a particular mandate in state or agency policy with which the hearing decision is not in compliance. A challenge that the hearing decision is not in compliance with the grievance procedure, or a request to present newly discovered evidence, must refer to a specific requirement of the grievance procedure with which the hearing decision is not in compliance.

You may request a judicial review if you believe the decision is contradictory to law. You must file a notice of appeal with the clerk of the circuit court in the jurisdiction in which the grievance arose within **30 days** of the date when the decision becomes final.^[1]

[See Sections 7.1 through 7.3 of the Grievance Procedure Manual for a more detailed explanation, or call EDR's toll-free Advice Line at 888-232-3842 to learn more about appeal rights from an EDR Consultant].

/s/ Carl Wilson Schmidt

Carl Wilson Schmidt, Esq.
Hearing Officer

^[1] Agencies must request and receive prior approval from EDR before filing a notice of appeal.