

DECISION OF HEARING OFFICER

IN RE: [REDACTED] vs. SOUTHWEST VIRGINIA HIGHER EDUCATION
CENTER

CASE NO. 11487

HEARING DATE: March 3, 2020 and June 4, 2020

DECISION ISSUED: July 1, 2020

PROCEDURAL HISTORY

On November 1, 2019 notes were taken from a meeting with Complainant.¹ On November 6, 2019, a meeting with Grievant took place.² On November 6, 2019, the Grievant was put on paid leave³. On November 7 – 13, 2019 interviews and investigation were conducted⁴. On November 26, 2019, a letter was sent to Grievant⁵. On December 2, 2019, the Grievant responded with a letter to the Agency.⁶

On December 3, 2019, Grievant was given three (3) Written Notices⁷. On December 28, 2019, Grievant filed for a Grievance Hearing⁸. A Hearing Officer was appointed on January 14, 2020. A pre-hearing conference was conducted on January 20, 2020. Part one of the Hearing was conducted on March 3, 2020, with part two on June 4, 2020. The Decision was issued on July 1, 2020.

APPEARANCES

Grievant as witness
Grievant's advocate
Agency Representative as witness
Agency's advocate
Eight (8) Agency witnesses

ISSUES

1. Whether Grievant violated DHRM Policy 1.60 by devoting company time to private interests.
2. Whether Grievant violated DHRM policies 2.30 and 1.80 by harassment and intimidation of employees and sexual comments. These policies were consolidated in January 2020 after Written Notices were issued to DHRM Policy 2.35.
3. Whether Grievant violated company policies 36, 39, and 99.
4. Whether there were mitigating circumstances to reduce Grievant's discipline.

¹ Agency Exhibit 8

² Agency Exhibit 25

³ Agency Exhibit 14

⁴ Agency Exhibits 9-13, 16-18, & 27

⁵ Agency Exhibit 14

⁶ Grievant Exhibit 6

⁷ Agency Exhibits 19, 21, & 22

⁸ Agency Exhibit 14

5. Whether the two (2) Group III's and a Group I resulting in termination were fairly issued.
6. Whether Agency policy was followed prior to issuance of the Written Notices.

BURDEN OF PROOF

In disciplinary actions, the burden of proof is on the Agency to show by a preponderance of the evidence that its disciplinary actions against the Grievant were warranted and appropriate under the circumstances. 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. Grievant has the burden of proving any affirmative defenses raised by Grievant. GPM §5.8.

APPLICABLE POLICY

This hearing is held in compliance with Virginia Code § 2.2-3000 et seq the Rules for Conducting Grievances effective July 1, 2012 and the Grievance Procedure Manual (GPM) effective July 1, 2017

Unacceptable behavior is divided into three types of offenses, according to their severity. Group I offenses "includes acts of minor misconduct that require formal disciplinary action." Group II offenses "include acts of misconduct of a more serious and/or repeat nature that requires formal disciplinary action." Group III offenses "include acts of misconduct of such a severe nature that a first occurrence normally should warrant termination." More than one (1) active Group II offense may be combined to warrant termination.⁹

This case involved former Operational Policies 2.30 and 1.80 now consolidated to Operational Policy 2.35 and Operational Policy 1.60, as well as company policies 36, 39, and 99.

Agency adopted and promulgated DHRM Policy 2.35 *Civility in the Workplace* (Effective 1/1/19) which supersedes Policy 1.80, Workplace Violence, and Policy 2.30 Workplace Harassment. As stated in Policy 2.35 "It is the policy of the Commonwealth to foster a culture that demonstrates the principles of civility, diversity, inclusion and equity. In keeping with this commitment, workplace harassment (including sexual harassment), bullying (including cyber-bullying), and workplace violence of any kind are prohibited in state government agencies."

Policy 2.35 provides prohibited conduct includes harassment, bullying, and workplace violence. This policy further states:

The Commonwealth strictly forbids harassment (including sexual harassment), bullying behaviors, and threatening or violent behaviors of employees, applicants for employment, customers, clients, contract workers, volunteers, and other third parties in the workplace. Behaviors that undermine team cohesion, staff morale, individual self-worth, productivity, and safety are not acceptable.

⁹ OP 135.1

Both *Discriminatory Workplace Harassment* and *Non-discriminatory Workplace Harassment* are prohibited by Policy 2.35. Policy 2.35 defines the term *Non-Discriminatory Workplace Harassment* [Harassment not based on protected classes] as:

Any targeted or directed unwelcome verbal, written, social, or physical conduct that either denigrates or shows hostility or aversion to a person not predicated on the person's protected class.

FINDING OF FACTS

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

Note that persons will be identified by number. Since the sex of the person may be relevant, "M" or "F" will be included. By example, 1F means person one, female.

Grievant was the Agency's first witness¹⁰. His demeanor was defensive and sometimes argumentative and loud. Grievant was asked if he was familiar with a handout "*Preventing Workplace Harassment*"¹¹ and an Operational Policy "*Civility in the Workplace*"¹². Grievant stated he was familiar.

Grievant was asked if it was ever acceptable in the workplace to:

1. Make suggestive sexual comments in the workplace.
2. Discuss your personal sexual activities in the workplace.
3. Discuss any sort of sexual relationship you would like to have while at the workplace.

Grievant answered "No" (i.e. that none of these actions were acceptable).

Grievant was then asked if he believed anyone at the workplace would make false statements against him and he responded "Yes". When asked "Who?" or "Why?" Grievant responded:

1. 1M – jealous, constantly undermining Grievant
2. 2F – took things out of context, was her nature to lie, didn't like the way Grievant took charge
3. 3M
4. 8F – a bully, had a military style, no body could get along with her
5. 5M – knew Grievant thought he (11M) was incompetent
6. 12M – was old, memory loss, needed to be replaced
7. 10M – a pleaser, couldn't manage a workforce

Grievant stated: "A lot of people would pile on and make false allegations against Grievant."

Generally, Grievant alleged people were against Grievant because he was trying to generate change in an 18-year-old system. The others were not performing well and

¹⁰ Hearing Officer Audio File 120101_002, 19:23 to

¹¹ Agency Exhibit 2

¹² Agency Exhibit 4

Grievant went with a new set of ideas. Grievant considered himself "... the Agent of Change." The staff was working for the government and "... had no concept of how the real-world works". They were jealous of the things that Grievant knew and they didn't want to be told they did it the wrong way.

Grievant was then asked about specific allegations made in written interview statements. Grievant stated he never acted like "the big boss" and others were "little people". Grievant said he didn't remember saying the only place for a woman in the workplace is on her knees under a man's desk.

Grievant stated he did ask female employees to go out of town with him, but only on a friendly basis, and none ever did. He only offered because 2F & 7F said how much they would like to see the locations to which he was going. 2F hung around Grievant and 3M because she (2F) said, "they were the two most intelligent people she knew". Grievant agreed he used the phrase "wine, dine, and 69" but only because he was quoting from a movie, *Dumb & Dumber*. Grievant admitted "69" meant a sexual act.

Grievant denied he ever told an employee she was giving him a bulge in his pants. He did tell her she looked nice in the new agency blue shirt.

Grievant first denied saying he would "have (a female) employee for lunch" then later stated it was taken out of context as it was a "play on words".

Grievant admitted to calling women "bitch" but never to their face so he believed it was appropriate to do and he had only done it 2 or 3 times at work.

When asked if he took a sandwich belonging to a female employee, cut a slit in the wrapper, urinated in it and returned it to the employee refrigerator, he stated he only said it as a joke and never actually happened.

Grievant stated he never talked about his penis at work. When he referred to the "throbbing three" he was never talking about his penis but did admit "throbbing three" meant "penis". But, again, was just a quote from a movie. Grievant stated it was ok to use this phrase at work because it is only joking, and someone must have taken it out of context.

Grievant stated one of his staff persons told Grievant that he, 3M, had a wife that had sex with other women before they married, and that 3M was getting ready for a threesome for his birthday. Grievant was asked why he did not tell the employee this was inappropriate to discuss at work. Grievant's response was that everybody, everybody talked about that kind of stuff at work. Others should not be throwing the "first stone" at Grievant. Grievant noted 1M makes more money than Grievant and he talks about sex at work.

Grievant denied he ever suggested a threesome or foursome with 3M and his wife and 2F. However, he allowed he suspected 2F may have been one of 3M's wife's lovers.

Grievant admitted he discussed with 3M that he had a date with 3M's mother in law and that he may have said he had "fingered" her, and her vagina smelled good. When asked if that was appropriate conversation at the workplace, he believed it was ok because his subordinate, 3M, had asked for details.

Grievant may have used the phrase "suck a golf ball through a hose" but wasn't referring to anyone.

Grievant did say an employee needed to be taken to river and held under water till bubbles stopped.

Grievant admitted he had stated he would like to throw his superior, 10M, into an electrical box, but he was angry with him and he didn't mean he would actually do it.

Grievant admitted to calling people "bitch" or "stupid idiots".

~~Grievant never told an employee he would like to strangle her.~~

Grievant stated it was possible he sometimes waved his pocketknife around, but he never had a gun at work.

Grievant stated he said he would staple an employee's mouth shut but it was just a joke, and everyone knew it.

Grievant did not recall saying he would "beat the fucking cancer out of her", but if he had said it, it would only be a joke.

Grievant knew 3M was having some problems with his wife and Grievant allowed she could be drowned.

Grievant said there could have been 250 calls to 2F but couldn't tell by looking at the primitive record system. He did not think 250 calls excessive because he doesn't text and calls other people 3 times more than 2F.

Grievant stated he was 66 years old.

Grievant denied he ever told 3M he would give 2F a good fucking.

Grievant told 3M that Grievant had a sexual dream about 3M's wife.

Grievant denied ever using the phrase "vagina snapping."

Grievant was asked to refer to Policy 2.35 regarding sexual harassment¹³. He was questioned if he believed he had done any of the described negative behaviors and he

¹³ Agency Exhibit 4

stated he did “nothing to trigger 2.35.” He stated he probably did make some verbal comments, but everybody was saying such things.

Grievant was asked to refer to Policy 2.35 regarding hostile environment¹⁴. He didn't think he had made any comments that were unwelcomed. Yes, he made some sexual comments, but they were only when he was asked and in the privacy of his office, so it was okay.

The next Agency witness was 2F¹⁵. She stated she submitted a document she had drafted during October and November 2019¹⁶ expressing her concerns with her interactions with Grievant. She believed Grievant was an asset to the Agency when he first came into the Agency. However, after a period of time he started asking her to dinner and commenting on her clothing. One time he told her “you look nice today and it's giving me a bulge in my pants.” Grievant offered to take 2F on road trips which later included Grievant saying they could “wine, dine, and 69”. He told 2F that he (Grievant) would make her feel like a new woman.

Grievant talked about a woman he knew in Chattanooga that couldn't get enough of him, so they added another guy. 2F felt she was told this so she would think a threesome was normal. Grievant suggested to 2F that they go to 3M's house, switch partners and later Grievant and 3M could watch 2F and 3M's wife do lesbian acts.

2F had a phone record¹⁷ of 255 calls from Grievant from January 2019 to November 2019. About July of 2019 2F started blocking Grievant's calls. Some calls were legitimate calls about business needs, but she estimated about 80% of the calls were of a personal nature. Grievant would ask how 2F was and what she was doing, talk negative about other employees and ask her to go out with him and so forth.

One-time, Grievant saw 2F talking to another employee and told him he had better not be talking to “his woman” and shoved a knife in his face. 2F stated that Grievant never physically attacked her. Grievant stated the only place for a woman [in the workplace] was on her knees.

There were two housekeeper women who worked nights at the Agency. Both were heavy and one had a foreign accent. Grievant was in a controversy with them about the level of air conditioning in the facility at night. Grievant made comments about their weight and that they needed to go back where they came from.

3M, Grievant's subordinate, was often there when 2F was around Grievant. 2F was not Grievant's subordinate. She reported to 1M. 3M told 2F to just try to avoid Grievant. 2F produced a voice message¹⁸ she received when 3M and Grievant were in a

¹⁴ Agency Exhibit 4

¹⁵ Hearing Officer Audio File 120101_002, 57:05 to

¹⁶ Agency Exhibit 5

¹⁷ Agency Exhibit 6

¹⁸ Agency Exhibit 7

vehicle going to lunch. Grievant invited 2F saying “maybe I’ll have you for lunch”, which 2F took as a sexual comment.

Grievant stated he knew people who could take care of 3M’s wife by holding her head under water ‘til the bubbles stopped. He also used this phrase in referring to two other employees he had controversy with. One person asked Grievant about the trash cans not being emptied.¹⁹ Grievant called her a “bitch”. He also referred to two other employees as “bitches”. 2F believed Grievant tried to destroy people’s character and confidence.

2F was afraid of what Grievant might do. 2F related that Grievant stated, “No one wants to mess with Grievant”. Grievant bragged he had gotten the best of his boss. Grievant bragged about cutting the water lines of a person he disliked and trying to strangle another person. 2F said she had security cameras installed at her home for fear of Grievant or a person he might hire would do her harm.

In 2018, there was an issue about keys to a company car. Grievant felt 2F acted in a disrespectful way and for several weeks would not talk to 2F and was unwilling to work on her I.T. needs at the Agency. Grievant reported 2F to the Agency director, 7M, complaining about her behavior.²⁰ The matter was dropped.

2F heard Grievant scream into a phone in a public hallway of the Agency. 2F felt Grievant’s behavior was escalating. Grievant took a dislike to an employee and Grievant bragged he took her sandwich out of the refrigerator, slit a hole in it, urinated in it and put it back in the refrigerator.

When asked by counsel if Grievant’s remarks were unwelcomed, 2F stated “yes”. Did they intimate you in your workplace? 2F stated “yes”. Were they severe and repeated? 2F stated “yes”. 2F stated she loved her job but hated to come to work because of Grievant. 2F stated because of Grievant she started working a later shift to avoid him.

2F stated it took so long for her to report the behavior of Grievant because she was afraid of retaliation and felt the head of the Agency, 10M, would not take her situation seriously. 2F finally talked to her superior, 1M, who took the matter to the Agency director and Human Resource office in November 2019.

On cross²¹, 2F was asked if she knew Grievant was told to leave the building after her meeting with the Agency director. She stated “yes” as she was told not to come to work that day due to possible danger to her.

2F was asked about the document she gave to the Agency director²². She stated it was typed at home and there was no other source material.

2F was asked:

¹⁹ Agency Exhibit 26

²⁰ Grievant Exhibit 2, Item 6

²¹ Hearing Officer Audio File 120101_002, 1:34:21

²² Agency Exhibit 5

Did she use emails with Grievant – yes
Did she look at emails when doing her document – No
Did she look at phone logs when doing her document – yes
Any inappropriate emails by Grievant to 2F – No
Any inappropriate texts by Grievant to 2F – No
Did she ever converse with others about Grievant’s escalating bad behavior - No

2F stated messages are only saved on her cell phone for a short period and that 2F had no access to Agency correspondence on Agency equipment. 2F had saved some messages since July of 2018. 2F first relayed her concerns about Grievant to her superior, 1M, in July of 2019 then in October of 2019 told her superior she “couldn’t take it anymore”.

2F responded to questions:

Longest call – 38 minutes

Did she ever call back – yes

Had Grievant ever been to her home – Yes, to install a beam in her kitchen in about 2017. 2F’s brother was present when Grievant was there.

Did 2F ever eat lunch with 3M and Grievant – yes

Did 2F ever go into Grievant’s office – yes

Many maintenance and I.T. projects required both departments to work together. 2F was alone with Grievant at work about 30% of the time. When asked, 2F stated Grievant was not a friend but could be a mentor. Grievant had useful knowledge and was able to communicate information. Grievant could be helpful. 2F never had lunch with Grievant outside of a work context. 2F was aware of the problem regarding the cooling system and the housekeeping complaints. 2F did go to Atkins, Va. to see a project Grievant was doing. 3M was present and 2F travelled in her own vehicle. She was there about 1 ½ hours.

2F responded to questions:

Had 2F ever made sexual comments to Grievant – No

Has 2F ever talked about her sexual experiences to Grievant – No

Who else knew you were asked on road trips or had excessive phone calls – a friend and wife of 3M.

2F knew Agency director, 10M, from previous church related and school related matters. She knew of him but not as friends. The Agency Director did give 2F a promotion and raise in March of 2018. 2F described the Agency Director as someone who wanted everyone to get along. 2F doubted 10M would take strong action about her complaints. 2F feared retaliation from Grievant.

2F was asked if she thought there was any lesser solution than to terminate Grievant. She stated “no”, he needed to be gone. 2F liked her job – Grievant made it miserable.

There remained 7 additional witnesses to testify for the Agency. The testimony of 8F was not recorded and not relied on by either party. The testimony of 9F was from an agent for DHRM who discussed policy but had no personal knowledge of the situation. Of the remaining five (5) Agency witnesses (4M, 5M, 6M, 7F, 10M) and the written statement of additional employees, there were numerous confirmations of actions/events already stated: of sexual comments made by Grievant, threatening behavior by Grievant,

name calling by Grievant, harassment by Grievant, profanity used by Grievant, private use of company time by Grievant. This Hearing Officer counted 21 comments or events that had at least two (2) confirmations. At least 3 employees stated they were planning to resign their jobs due to the tension and harassment caused by Grievant.

Due to the Agency's portion of the matter concluding late in the evening, the Grievant's testimony and exhibits were postponed to another day. Shortly thereafter coronavirus concerns postponed the Grievant's case for two (2) months.

Grievant was the only person testifying on his behalf. Grievant related his impressive education and work history. Grievant stated in all his years of employment he had never been reprimanded or fired. There were times he was even hired twice by the same company.

Grievant believed he was well suited for the Agency Program. Upon being hired, Grievant realized the many problems of the building and its employees. The building was either over designed or under designed. The employees were not good at their job, didn't like to work, were arrogant and incompetent and there was lots of nepotism in the hiring process. Grievant submitted a list of projects he had corrected at the Agency²³.

Grievant soon came to believe people at the Agency were out to get him or didn't appreciate him. Grievant started keeping a "dossier"²⁴ of other persons' actions. Grievant felt he wasn't fired because of the reasons given in the Written Notices but because the Agency Director, 10M, was frustrated with him and took a first opportunity to get rid of him. Grievant presented evidence of some of his written messages both to and from the Agency Director, 10M.²⁵

Grievant stated he had never hurt anyone in his life. Grievant did not believe anyone took any of his comments as anything but a joke. Grievant stated 2F had him over to her home to work on home improvement projects. Grievant's 2nd job was his company in construction and solar energy.

Grievant admitted he made some personal business calls at work but felt it was ok as he testified everyone else did it. Grievant did not produce any witnesses to substantiate this allegation.

Grievant felt he was not given proper justice by the requirements of the state (DHRM) termination policy. The record would show the process was followed as listed in the Procedural History stated above. Grievant felt he was denied an attorney's advice although DHRM policy does not provide for such during the termination process.

Grievant felt he was treated unjustly because he had done so much good for the Center and he was being terminated because of joking language. Grievant stated he felt "100% innocent" of the charges against him. He said any of his comments lacked intent and no one felt harassed by them.

OPINION

It is undeniable if even a few of the 21 comments or actions alleged to have been made by Grievant were, in fact, made by Grievant, they were in opposition to DHRM Policy 2.60. Grievant, himself, admitted to several of the allegations. That they were a "joke" in his mind does not excuse the behavior.

²³ Grievant Exhibit 1

²⁴ Grievant Exhibit 2

²⁵ Agency Exhibit 26

Grievant admitted to discussing an employee's mother-in-law's vagina. Grievant admitted to stating he cut a slit in an employee's sandwich, urinated in it and returned it to the refrigerator. Grievant admitted to verbalizing he would throw his employer into an electrical circuit box. Grievant admitted to asking female employees to go on trips with him. Grievant admitted to using the term "wine, dine and 69" at work. While Grievant described them all as a "joke" it is impossible to believe the comments were appropriate.

Grievant admitted to taking some business time for personal matters but testified others did that also. Witnesses testified as to Grievant's use of personal time at work. Grievant did not have any witnesses to testify that others also used personal time at work.

Grievant felt his behavior was mitigated by the good works he had done for the Agency. His good works were never denied. Grievant felt everyone else talked about sex and everyone else used business time for personal needs. However, Grievant produced no witnesses to substantiate what he said. Grievant believed the whole issue was based on people out to get him.

It is therefore the opinion that Grievant did use company time for personal business. Grievant did numerous times violate DHRM Civility in the Workplace Policy²⁶ by making unwanted sexual comments and by intimidation. The policy does not require a party to recognize their actions but is related to how the comments or actions are received. Policies 36: "obscene or abusive language", 39: "Violation of policy 2.35" and Policy 99: "Other" (Excessive and harassing phone calls) were committed by Grievant.

There was no disagreement that Grievant was well qualified for his position at the Center. There were no witnesses to collaborate Grievant's opinion that "everyone" made sexual comments, and "everyone" used company time for personal business. These did not amount to mitigating circumstance.

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..."²⁷ 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.

More specifically, the *Rules* provide that in disciplinary grievances, if the hearing officer finds that:

- (i) the employee engaged in the behavior described in the Written Notice,
- (ii) the behavior constituted misconduct, and (iii) the agency's discipline

²⁶ Agency Exhibit 4

²⁷ Va. Code §2.2-3005

was consistent with law and policy, the agency's discipline must be upheld and may not be mitigated, unless under the record evidence, the discipline exceeds the limits of reasonableness.²⁸

Further Grievant's opinion that he had no intent and did not comprehend how his "jokes" could be offensive are also not mitigating circumstances.

Grievant's two (2) Group III's and Group I disciplines were all found to be substantiated and the discipline of termination appropriate. Further, Grievant's lack of understanding that any of his comments or actions to which many witnesses testified were unwanted, sexually charged, or harassing, then it is all the more reason to remove him from the workplace as he has all but guaranteed the behavior would continue if he were re-employed.

DECISION

Based upon consideration of all the evidence presented in this cause, and for the reasons stated above, Hearing Officer find the Agency has sustained its burden of proof in this proceeding and finds:

1. Grievant engaged in the behavior described in the Written Notice.
2. The behavior constituted misconduct.
3. The disciplinary action taken by the Agency was consistent with law and policy.
4. Mitigating circumstances justifying reduction or removal of the disciplinary action are not found.
5. Agency has met its burden that the action against Grievant was warranted and appropriate.

For the reasons stated above, the issuance of two (2) Group III's and a Group I, and the action of termination 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:

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.


²⁸ *Rules for Conducting Grievance Hearings* § VI(B)(1)

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.²⁹

[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].



Sondra K. Alan, Hearing Officer

²⁹ Agencies must request and receive prior approval from EEDR before filing a notice of appeal.