

**VIRGINIA: DEPARTMENT OF HUMAN RESOURCE MANAGEMENT**

**OFFICE OF EMPLOYMENT DISPUTE RESOLUTION**

**DECISION OF HEARING OFFICER**

In the matter of the Albert G. Horton, Jr. Veterans Memorial Cemetery

Case Number: 11735

Hearing Date: November 30, 2021  
Decision Issued: December 20, 2021

**PROCEDURAL HISTORY**

On July 26, 2021, Grievant was issued a Group III written notice of disciplinary action with removal for violation of DRHM Policy 1.60 (the “Written Notice”). On July 26, 2021, Grievant responded to the Written Notice. On July 31, 2021, the Agency’s Director endorsed the Written Notice.<sup>1</sup>

On August 26, 2021, Grievant timely filed a grievance to challenge the Agency’s action. The outcome of the third resolution step was not satisfactory to the Grievant and she requested a hearing.

On August 31, 2021, the Office of Dispute Resolution received the Grievant’s due process request. On October 1, 2021, the Office of Employment Dispute Resolution assigned the appeal to the Hearing Officer. On November 30, 2021, a hearing occurred in a conference room at the cemetery the Agency maintains.

**APPEARANCES**

Grievant  
Grievant’s Representative  
Agency Party Designee  
Agency Representative  
Witnesses

**ISSUES**

1. Did Grievant engage in the behavior described in the Written Notice?
2. Did the behavior constitute misconduct?
3. Was the Agency’s discipline consistent with applicable law and policy?
4. Were there mitigating circumstances present that would justify reduction or removal of the disciplinary action? If so, did the Hearing officer consider such mitigating circumstances?

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<sup>1</sup> The Grievant’s signature does not appear on the Written Notice.

## **BURDEN OF PROOF**

The burden of proof is on the Agency to show by a preponderance of the evidence that its disciplinary action against the Grievant was warranted and appropriate under the circumstances. *See Grievance Procedure Manual (“GPM”) Sec. 5.8.* This standard is satisfied when the party bearing the burden of proof has shown such party’s claim is more probable than not.

## **FINDINGS OF FACT**

After reviewing the evidence presented, including, but not limited to, the testimony and demeanor of each witness, the Hearing Officer makes the following factual findings:

The Agency is a state operated memorial cemetery for veterans (hereinafter referred to as the “Cemetery”). The Grievant was employed by the Agency as the Cemetery’s Assistant Director, a position she has held for six years. Initially, the Grievant worked under the Cemetery’s former Assistant Director until six years ago when she obtained the Assistant Director’s position after he retired. The Grievant has been employed at the cemetery for a total of seventeen years and has never received adverse discipline for any conduct-related offense during her tenure at the Agency. The evidence also shows that the Grievant received an overall rating of “Strong Contributor”<sup>2</sup> on her final performance review dated November 19, 2020.

Though the Grievant was never disciplined for misconduct, the Grievant was given a Group III written notice and terminated on July 31, 2021 for theft of government property, abuse of authority for personal gain and unauthorized use of state property in violation of DHRM Policy 1.60.<sup>3</sup> The Agency’s Due Process Notice attached to the Written Notice charged the Grievant with misconduct as follows:<sup>4</sup>

1. Theft of state property, to which Grievant admitted. Specifically, the theft of grass seed and weed killer. This allegation was substantiated by the investigating officers and is a violation Va. Code Ann. § 18.2-96, theft of property with a value of less than \$1000 and DRHM Policy 1.60.
2. Unauthorized removal and use of state property, to which Grievant admitted. Specifically, that Grievant removed a pressure washer, ladder and aerator for use at Grievant’s home. This allegation was substantiated by the investigating officers and is a violation of DHRM Policy 1.60.
3. Abuse of authority for personal gain, to which Grievant admitted. Specifically, that Grievant had employed employees under Grievant’s direct supervision to perform work on Grievant’s home and vehicle without pay. This allegation was substantiated by the investigating officers and is a violation of DHRM Policy 1.60.

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<sup>2</sup> *See* AE-1, at 8.

<sup>3</sup> *See* AE-2, at 1.

<sup>4</sup> *Id.*, at 1-2.

The Agency's written notice to the Grievant began after she cited the Cemetery's grounds manager, a subordinate employee of Grievant (the "Grounds Manager"), with disciplinary action on June 8, 2021. Such citation followed a heated verbal argument between Grievant and the Grounds Manager on June 4, 2021. The Grievant testified regarding the disciplinary action, citing the Grounds Manager's failure to timely submit an overtime pay request when the Grounds Manager requested leave to attend his son's surgery.<sup>5</sup> Immediately following the Grounds Manager's absence, the Grievant cited him for inability to properly enter an overtime pay request in the Agency's timekeeping software.<sup>6</sup> When the Grounds Manager learned the Grievant had cited him for alleged misconduct, he asserted that the Grievant had violated cemetery rules by taking grass seed from the Cemetery more than once, had borrowed garden tools belonging to the Cemetery and had used cemetery employees for paid, and unpaid, labor on her house.

When the Agency's Deputy Commissioner learned of the Ground Manager's misconduct allegations against the Grievant, the Deputy Commissioner testified that he began an investigation to substantiate or negate the misconduct allegations against her. The Deputy Commissioner assigned two agency investigators, both of whom conducted extensive interviews with many cemetery employees, to verify the aforementioned accusations. The investigative report,<sup>7</sup> which was initially to be kept confidential, is extensively detailed. The Hearing Officer considered not only the testimony provided in the such investigative report but also the witnesses' hearing testimony and the agency exhibits submitted at the grievance hearing (referred to as "AE-1-29").<sup>8</sup>

The Hearing Officer noted varying degrees of credibility in the interviews conducted with cemetery employees. An Agency investigator who testified at the grievance hearing asserted that the only reliable witnesses he interviewed also testified at the grievance hearing. The Hearing Officer found that the Agency's primary witness, a mechanic at the Cemetery who worked directly for the Grievant (the "Mechanic"), provided credible testimony. The Hearing Officer also found that other employees at the Cemetery called by the Agency as witnesses provided credible testimony.

The Deputy Commissioner oversees operations at state memorial cemeteries. At the beginning of his tenure, he required Grievant's and other Cemetery employees' attendance at a four-day leadership conference in Charlottesville, Virginia (the "Conference"). He intended to provide a "fresh start"<sup>9</sup> to Grievant and other Cemetery employees and to focus on "leadership"<sup>10</sup> expectations. The Deputy Commissioner also intended for the Conference to create a "clean slate"<sup>11</sup> by setting the Agency's standard for conduct under his leadership. The Deputy Commissioner alluded to the Cemetery's former Assistant Director, the Grievant's prior supervisor. The Deputy Commissioner indicated that he considered the former Assistant Director to be "an authoritarian leader"<sup>12</sup> who was not a good role model. The Deputy

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<sup>5</sup> See also AE-5, at 6. Some misconduct charges against the Grounds Manager evolved into misconduct charges against the Grievant for "Neglect of Duty." The Hearing Officer did not consider any of these allegations.

<sup>6</sup> The Agency's Deputy Commissioner stated that the Grounds Manager received a formal reprimand and his pay was reduced for his misconduct arising from his verbal altercation with the Grievant.

<sup>7</sup> See also AE-5, 1-17. The Agency's "Report of Investigation" is dated June 30, 2021 and is incorporated by reference herein as if fully set forth in the decision. The Agency Investigating Officers took witness statements, in person, between June 29, 2021 and July 1, 2021.

<sup>8</sup> AE-29 is the thumb-drive containing the Grievant and the Cemetery Mechanic's interviews with the Agency Investigators. All Agency exhibits were admitted to the grievance hearing record without objection. The Grievant's admissions to the misconduct charges appear at AE-29, beginning at 43.18 sec. through 50.13 sec. The Cemetery mechanic's interview fully details his employment issues and appear at AE-29, beginning at 2.25 sec., 14.37 sec., 16.38 sec., 18.08 sec., and at 33 sec. to 40 sec.

<sup>9</sup> The Deputy Commissioner's hearing testimony.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

Commissioner testified that he understood the Cemetery's former Assistant Director regularly made employees suffer reprisals for deviating from his directives. Many employees corroborated this depiction and several employees stated they feared reprisals from the Grievant.

The Deputy Commissioner told cemetery leaders at the Conference to "enforce, not violate"<sup>13</sup> conduct rules. After he learned of the Agency's investigation outcome, enumerating the Grievant's misconduct allegations, he left the disciplinary decision for the Director to decide. The Deputy Commissioner and the Director met again to discuss the Agency's conclusions enumerated in the investigative report. Ultimately, the Director decided to pursue disciplinary charges against the Grievant.

At the Grievant's hearing, the Mechanic testified that he no longer worked at the Cemetery. The Mechanic expressed no personal animus toward the Grievant when testifying, though the Hearing Officer notes that he was visibly anxious and distressed. The Mechanic further testified that he performed "personal favors"<sup>14</sup> for the Grievant, who functioned as his direct supervisor while he was employed at the Cemetery.

The Mechanic recalled that he fixed the Grievant's deceased son's<sup>15</sup> car battery, got the car out of the garage, fixed and installed a vent in her new home, placed her vehicle on a hoist in the Cemetery compound in order to test the car battery and fixed a hot water heater at her home. The Mechanic also confirmed that the Grievant took "one trash bag"<sup>16</sup> full of grass seed from the Cemetery grounds compound and borrowed a hand tool, which he described as a hand-held "tiller."<sup>17</sup>

Regarding compensation, the Mechanic testified that he took \$40.00 once when the former Assistant Director sent him to the Grievant's home to open a garage door for the Grievant who was stuck inside her garage.<sup>18</sup> When the Hearing Officer inquired whether the Mechanic was twice paid for his time, the Mechanic stated that he accepted cash only once because he did the job during his lunch hour. On other occasions, the Mechanic explained that he refused to take money for fear of reprisal, and felt obligated to do the Grievant's odd jobs. Altogether, the Mechanic stated the Grievant asked him to work at her house fifteen times over six years and five times when the Grievant was his direct supervisor.<sup>19</sup>

The Mechanic described his supervisor's requests as "inappropriate and annoying."<sup>20</sup> He further explained that he compared the Grievant's approach toward him to that of the Cemetery's former Assistant Director when reprisals resulted from employee refusals to do odd jobs. Thus, he worried about his job security and clearly feared the Grievant.

An administrative assistant, who has been employed at the cemetery for over ten years, also testified at the hearing (the "Administrative Assistant"). The Administrative Assistant remembered seeing a car which she believed belonged to the Grievant. She said that the car appeared to have a dead battery, and was parked in the Cemetery grounds compound all day. The Administrative Assistant also remembered seeing the Grievant load weed eater and grass seed into her car.

A grounds team leader confirmed he also saw the Grievant take weed eater, but he added that he also saw the Grievant take shovels and a pressure washer from the Cemetery compound. He remembered

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<sup>13</sup> *Id.*

<sup>14</sup> The Cemetery mechanic's hearing testimony.

<sup>15</sup> The Grievant's deceased son's car had a dead battery.

<sup>16</sup> The Mechanic's hearing testimony.

<sup>17</sup> *Id.*

<sup>18</sup> *See also* AE-5, at 6.

<sup>19</sup> AE-5, at 5.

<sup>20</sup> *Id.*

seeing the Mechanic working on the Grievant's car which was parked inside the Cemetery grounds compound. The car's tires had been removed and the car was hoisted on a lift as the Cemetery mechanic worked on it.

A second grounds team leader recalled the time when the Mechanic worked on the Grievant's garage door. The team leader recalled that the former Assistant Director asked the Mechanic to do the job during his lunch hour for which the Mechanic stated he was paid \$40.00. He explained that he also did work on the Grievant's car and appeared at her home to do odd jobs, but he denied being paid or asking to be paid.<sup>21</sup>

A grounds team leader also confirmed that the Grievant regularly borrowed, and permitted Cemetery employees to borrow, items from the Cemetery grounds compound. He added that the borrowing practice began with the former Assistant Director. According to the grounds team leader, the former Assistant Director's had strict procedures for borrowing items from Cemetery grounds. Employees were expected to request permission and to endorse a sheet, which the former Assistant Director maintained, requiring borrowed items to be returned the next day.

The Grievant indicated in her response to these allegations that the grass seed, dirt and old fertilizer had no value because these items were to be thrown out. But the Agency investigator stated that the grass seed and other items that the Grievant took from the Cemetery had value. The Agency investigator said the donated items the Grievant took became the state's property once they were donated. Thus, the Agency investigator concluded, the Cemetery items the Grievant removed had "some value."<sup>22</sup> In any event, the Grievant freely admitted, both in her interview responses to Agency investigators and in her hearing testimony, that she took grass seed and borrowed small garden tools from the Cemetery. The Grievant's admissions minimized the seriousness of these actions, and the Grievant's assertion that "[she] was accused of committing acts far more severe than anything she did in reality"<sup>23</sup> is entirely without merit.

Also in her defense, the Grievant cited the former Assistant Director's policy for borrowing tools and taking items that were "outdated and unsuitable for use in our cemetery."<sup>24</sup> Alternately, the Grievant blamed the Cemetery's grounds manager for suggesting she take the grass seed that was meant for the dumpster. Notably, the Cemetery's grounds manager did not testify on the Grievant's behalf. The Cemetery's grounds manager affirmed that he assisted the Grievant to load two small, half bags of grass seed and fertilizer into her car "to use on a strip in her yard"<sup>25</sup> and that the Grievant said she wanted the grass seed if it was going to be thrown out.

The Cemetery's grounds manager's statement to Agency investigators contradicts the Grievant's version of the incident. In his statement to Agency investigators, the Cemetery's grounds manager asserted that the Grievant initiated the incident and that the Grievant inquired first about taking the grass seed and fertilizer. When the Grievant requested that he load the grass seed and fertilizer in her car, the Cemetery's grounds manager asserts that he told the Grievant that [she] was the boss and can do as she wants.<sup>26</sup> In his formal statement to Agency investigators, the Cemetery's grounds manager added that the Grievant asked

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<sup>21</sup> A-5, at 5.

<sup>22</sup> In Virginia, a person commits petit larceny by stealing property with a value less than \$1,000. It is a Class I misdemeanor, carrying a penalty of up to 12 months in jail and a \$2500 fine. *See also Va. Code Ann.* § 18.2-96.

<sup>23</sup> AE-1, at 2.

<sup>24</sup> AE-2, at 3.

<sup>25</sup> AE-5, at 9.

<sup>26</sup> *Id.*

him to “keep it [referring to taking the grass seed and fertilizer] between them.”<sup>27</sup> The Cemetery’s grounds manager’s statement is credible, especially in light of other employee statements to Agency investigators.

Further, the Grievant alluded to an “open policy”<sup>28</sup> in her response to the misconduct charges. The Grievant referred to the former Assistant Director’s policy permitting employees to use small tools and equipment for personal use. The Grievant appeared to justify her personal use of Cemetery property by stating that she did not use tools without the knowledge of her colleagues. But the Cemetery’s Director, her immediate supervisor, testified that he never gave the Grievant permission to remove any Cemetery items or equipment though the Grievant and the Director spoke nearly every day. The Director and the Deputy Commissioner both referred to the Grievant’s actions as theft of state property and affirmed that no formal written state policy exists in which it is permissible to borrow or take state property.

The Grievant admitted in her response to having paid the Mechanic the sum of \$40.00 which she said was for “installing an oven vent in the [Grievant’s] kitchen.”<sup>29</sup> Regarding the garage door, she asserted that the former Assistant Director sent the Mechanic to her home when she was locked in and couldn’t raise the garage door because it was too heavy. The Grievant admitted to having the Mechanic help her ignite a pilot light at her home water heater but that the former Assistant Director sent the Mechanic to do the work at her home. The Grievant admitted to having the Mechanic assist her with her deceased son’s car battery but that the Mechanic declined payment.<sup>30</sup>

None of the Grievant’s admissions adequately explain or provide justification for the aforementioned incidents. The Grievant used her supervisory position to take advantage of her employees to do odd jobs for her and to convert state property for her personal use and possession.

### **CONCLUSIONS OF LAW AND POLICY**

The Commonwealth of Virginia establishes procedures and policies that apply to state employment matters with respect to hiring, promoting, compensating, discharging, and disciplining of state employees in Virginia.<sup>31</sup> The *Grievance Procedure Manual*, Sec. 5.8 requires a state agency to show by preponderance of evidence that the disciplinary action is warranted and appropriate under the circumstances.

The procedural standards for disciplinary actions in employment are set forth in the Va. Code Ann. § Sec. 2.2-1201, as established and set forth by the Department of Resource Management, Standards of Conduct, Policy No. 1.60 (the “SOC”). The SOC provides criteria by which state agencies may consider employee misconduct ranging in seriousness from least severe (a Group I offense) to most serious and warranting the employee’s removal (a Group III offense).

The purpose of the SOC’s underlying policy is for state agencies to apply “a progressive course of discipline that fairly and consistently addresses employee behavior, conduct, or performance that is incompatible with the state’s SOC for employees and /or related agency policies.”<sup>32</sup> The SOC’s stated objective is “founded” in due process which requires the hearing officer to consider a vast range of disciplinary alternatives applicable to the employee’s misconduct charged by the agency. If the offense “fits” the discipline, a hearing officer is not at liberty to “dismiss” the seriousness of the charge(s) and to insert his or her own subjective thoughts and apply the sensibilities of a human resource officer.

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<sup>27</sup> *Id.*

<sup>28</sup> AE-1, at 2.

<sup>29</sup> *Id.*, at 3.

<sup>30</sup> *Id.*

<sup>31</sup> See *Virginia Personnel Act*, Va. Code Ann. § 2.2-2900, *et seq.*

<sup>32</sup> See SOC, “Purpose” at 1.

With respect to SOC's applicability to state employees, as stated therein, the SOC's legislative intent is "help employees to become fully contributing members of the organization."<sup>33</sup> However, when employees deviate from the agency's standards, and employees commit misconduct, the SOC describes penalties for the employee's "converse"<sup>34</sup> behavior and provide a hearing officer available options for a hearing officer to consider in assessing the employee's misconduct charges.

In this instance, the Agency reasonably assessed the Grievant's offenses as Group III offenses which the SOC describe as "[o]ffenses in this category include acts of misconduct of such severe nature that a first occurrence normally should warrant termination."<sup>35</sup> The SOC also identifies Group III offenses and gives examples of such employee misconduct characterized as the most severe, including, endangering others in the workplace, committing illegal or unethical conduct, neglecting one's duty, disrupting the workplace, or committing other acts that constitute serious violations of policies, procedures or laws.

The SOC further provides termination is appropriate where a Group III offense is proven, unless there are mitigating circumstances. In this instance, the Grievant asserts she is entitled to mitigation. The Grievant proffers her seventeen years' of service at the Agency and laudatory remarks from her performance reviews. Yet, in statements to the Agency in response to misconduct,<sup>36</sup> the Grievant freely admits to theft of state property, unauthorized removal and use of state property and abuse of authority for personal gain. The Grievant's misconduct was corroborated by numerous witnesses and seriously undermines her supervisory role within the Agency. The Grievant's self-motivated assistance requests severely impacted the employee morale and their ability to do their jobs. The offenses charged are properly classified as Group III offenses.

### DISCUSSION

The Agency's mission and stated objectives are cited in the precepts applicable to the Grievant's position, which the Agency asserts the Grievant violated. As the Assistant Director, it was the Grievant's obligation to do the following in furtherance of Agency objectives, all of which the Grievant failed to do:

- Demonstrate the ability to set the section's organizational vision and objectives, and to lead, motivate, train, supervise, hold accountable and manage cemetery personnel in furtherance of the state and agency goals.
- Lead, supervise and manage cemetery personnel.
- Stimulate professional growth in all employees.
- Ensure safety of personnel and accountability of equipment.
- Make personnel expectations clear, well communicated and relate to the goals and objectives of the department.<sup>37</sup>

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<sup>33</sup> *Id.*, at 1.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*, at 9.

<sup>36</sup> AE-2, at 2.

<sup>37</sup> AE-24, at 4.

In addition, the Grievant's misconduct charges allude to an even more compelling duty on employees who attain supervisory roles such as the Grievant's. Generally, those who attain a supervisory role must adhere to a higher conduct standard. A supervisor might be held to a Group III offense when similar misconduct might be treated less seriously by a subordinate employee. Moreover, supervisors are expected to act as role models to individuals under their supervision.<sup>38</sup> As noted in EDR case number 11734,<sup>39</sup> "[t]he *Rules for Conducting Grievance Hearings* require that a hearing officer must show deference to how the Agency weighs the supervisory status of an employee in determining the appropriate level of discipline." The Hearing Officer considers the Grievant's supervisory role to be paramount when considering appropriate consequences for the offenses charged in the Written Notice.

As the Agency Director testified, the Agency must adhere to trustworthiness as a conduct standard for all Agency employees. The supervisory role is central to that concept, and a supervisor must exhibit behavior clearly worthy of the position. The Grievant's admissions, at the hearing and to Agency investigators, do not demonstrate Grievant's exemplary transparency and honesty to the public. Thus, the Hearing Officer finds the following conduct violations are central in upholding the termination:

1. The Grievant misused her supervisory position in an overbearing manner by taking advantage of her employees to request non-work related personal assistance.
2. The Grievant, as supervisor, required subordinate employees to provide her non-work related personal assistance to avoid reprisals.
3. The Grievant, as supervisor, failed to protect and safeguard cemetery property entrusted to her.
4. The Grievant lacked candor regarding the Agency Deputy Commissioner's statement regarding supervisory role requirements.
5. The Grievant's pattern of behavior, namely, requests that her employees provide her personal assistance for non-work related matters, humiliated subordinate employees under her direction and created employee mistrust in the work environment.

### **MITIGATION**

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 of the existence of the rule 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 the mitigation standard, the Hearing Officer finds no mitigating circumstances present to reduce the disciplinary action.

### **DECISION**

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<sup>38</sup> See DHRM Ruling 2015-3953.

<sup>39</sup> See also *Commonwealth of Virginia*, DHRM, Case Number 11734, entered November 9, 2021.



The Agency has met its evidentiary burden of proving upon a preponderance of the evidence that the Grievant violated Agency policies, including Policy No 1.60, and that the violations rose to the level of Group III offenses charged in the Written Notice for which the Grievant requested and received a due process hearing. The Hearing Officer UPHOLDS the written notice in its entirety. The Grievant's removal is warranted by the evidentiary record.

### APPEAL RIGHTS

**You, the Grievant, may file an administrative review request within 15 calendar days from the date the decision was issued, if any of the following apply:**

1. If you have new evidence that could not have been discovered before the hearing, or if you believe the decision contains an incorrect legal conclusion, you may request the hearing officer either to reopen the hearing or to reconsider the decision.
2. If you believe the hearing decision is inconsistent with state policy or agency policy, you may request the Director of Department of Human Resource Management to review the decision. You must state the specific policy and explain why you believe the decision is inconsistent with that policy. Please address your request to: Director of Human Resource Management, 101 North 14<sup>th</sup> Street, 12<sup>th</sup> Floor, 22219 or send by fax to (804) 371-7401, or email.
3. If you believe that the hearing decision does not comply with the grievance procedure, or if you have new evidence that could not have been discovered before the hearing, you may request the Office of Employment Dispute Resolution to review the decision. You must state the specific portion of the grievance procedure with which you believe the decision does not comply. Please address your request to: Office of Employment Dispute Resolution, Office of Employment Dispute Resolution, Department of Human resource Management, 101 North 14<sup>th</sup> Street, 12<sup>th</sup> Floor, Richmond, VA 23219 or send by email to [EDR@dhrm.va.gov](mailto:EDR@dhrm.va.gov) , or by fax to (804) 786-1606.
4. You may request more than one type of review. Your request must be in writing and must be received by the reviewer within 15 calendar days of the date when the decision was issued. You must give a copy of all your appeals to the other party and to EDR. The hearing officer's decision becomes final when the 15 calendar days has expired, or when the administrative review has been decided.
5. You may file a request for judicial review if you believe the decision is contrary 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.

[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].

*[Signature Page to Follow]*

*// Sarah Smith Freeman*

Sarah Smith Freeman  
Hearing Officer

**CERTIFICATE**

I certify that I have emailed/mailed the above Decision to all parties and on this 20<sup>th</sup> day of December, 2021.

*// Sarah S. Freeman*

Sarah Smith Freeman  
Hearing Officer

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