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**CONSOLIDATION RULING**

In the matter of the Department of Corrections  
Ruling Number 2023-5433  
July 19, 2022

This ruling addresses the consolidation of two grievances filed with the Department of Corrections (the “agency”). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) at the Virginia Department of Human Resource Management (DHRM) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue in this case are:

- 1) a grievance dated October 14, 2021, challenging a Group III Written Notice with demotion, currently pending for a hearing to be held on August 17, 2022 (Case Number 11814); and
- 2) a grievance dated July 5, 2022, challenging a Group III Written Notice with termination.

The agency has requested consolidation of these matters.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated for a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.<sup>1</sup> EDR strongly favors consolidation and will consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.<sup>2</sup>

EDR finds that consolidation of the October 14, 2021 and July 5, 2022 grievances is appropriate. These grievances involve the same parties, and both relate to formal disciplinary

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

<sup>2</sup> *See id.*

action issued to the grievant. Thus, the grievances could share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.<sup>3</sup>

As noted above, EDR has already appointed a hearing officer for Case Number 11814. The parties will receive further correspondence from EDR assigning the July 5, 2022 grievance to the same hearing officer for a consolidated hearing.

EDR's rulings on compliance are final and nonappealable.<sup>4</sup>

*Christopher M. Grab*  
Director  
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<sup>3</sup> Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, consolidated hearings shall be assessed a full fee for the first grievance and an additional half fee for the second grievance. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

<sup>4</sup> *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).