

Issue: Consolidation of Grievances for a Single Hearing; Ruling Date: May 22, 2018;  
Ruling No. 2018-4727, 2018-4728; Agency: Department of Behavioral Health and  
Developmental Services; Outcome: Consolidation Granted.



*COMMONWEALTH of VIRGINIA*  
*Department of Human Resource Management*  
*Office of Equal Employment and Dispute Resolution*

**CONSOLIDATION RULING**

In the matter of the Department of Behavioral Health & Developmental Services  
Ruling Numbers 2018-4727, 2018-4728  
May 22, 2018

The Department of Behavioral Health & Developmental Services (the agency) has requested that the grievances of Grievant E and Grievant J be consolidated for a single hearing. For the reasons discussed below, EEDR finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

Grievant E and Grievant J received Group III Written Notices, each with termination, for similar issues of alleged misconduct related to the same set of facts. On or about May 1, 2018, both grievants initiated grievances challenging the Written Notices and the accompanying terminations. The agency requested that both grievances be consolidated for a single hearing before the same hearing officer. The grievants do not object to the consolidation request.

DISCUSSION

Approval by EEDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EEDR may consolidate grievances for hearing without a request from either party.<sup>1</sup> EEDR 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>

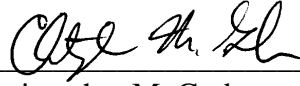
EEDR finds that consolidation of the May 1, 2018 grievances of Grievant E and Grievant J is appropriate. The two grievances involve similar allegations of misconduct arising from the same set of facts and will likely share common themes, claims, and witnesses. Moreover, it appears that all parties agree to a combined hearing. Consolidation is not impracticable in this instance. Accordingly, the grievances are consolidated to be heard by the same hearing officer in a single hearing. The hearing officer shall independently assess the merits of each grievance and issue two separate decisions. The parties will be notified by letter regarding the appointment of a hearing officer.

---

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

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

EEDR's rulings on compliance are final and nonappealable.<sup>3</sup>



---

Christopher M. Grab  
Director  
Office of Equal Employment and Dispute Resolution

---

<sup>3</sup> See Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).