

Issue: Consolidation of grievances for a single hearing; Ruling Date: January 20, 2015; Ruling No. 2015-4091; Agency: Department of Alcoholic Beverage Control; Outcome: Consolidation Granted.



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

**CONSOLIDATION RULING**

In the matter of the Department of Alcoholic Beverage Control  
Ruling Number 2015-4091  
January 20, 2015

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Alcoholic Beverage Control (the agency). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) finds that consolidation of these grievances into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue are 1) a December 29, 2014 grievance challenging the agency's issuance of a Group II Written Notice, and 2) a December 29, 2014 dismissal grievance challenging the issuance of a Group III Written Notice and the grievant's subsequent termination from employment. Both parties agree that consolidation is appropriate in this instance.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in 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 two December 29, 2014 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the grievant's two December 29, 2014 grievances are consolidated for a single hearing.<sup>3</sup> A hearing officer will be appointed in a forthcoming letter.

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

Christopher M. Grab  
Director, Office of Employment Dispute Resolution

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

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

<sup>3</sup> Pursuant to the parties' agreement, the December 29, 2014 grievance challenging the Group II Written Notice is qualified in full and will proceed directly to hearing, omitting the management resolution steps.

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