

Issue: Compliance – Grievance Procedure (5-Day Rule); Ruling Date: March 21, 2019; Ruling No. 2019-4882; Agency: Virginia Commonwealth University; Outcome: Grievant in Compliance.



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

**COMPLIANCE RULING**

In the matter of Virginia Commonwealth University  
Ruling Number 2019-4882  
March 21, 2019

Virginia Commonwealth University (the University) has requested a compliance ruling from the Office of Equal Employment and Dispute Resolution (“EEDR”) at the Department of Human Resource Management in relation to the grievant’s November 5, 2018 grievance. The University alleges that the grievant has failed to comply with the time limits set forth in the grievance procedure for advancing or concluding her grievance.

On or about November 5, 2018, the grievant initiated a grievance with the University.<sup>1</sup> On January 16, 2019, the University provided the grievant its second step response to the grievance. On February 22, 2019, the University sent a letter of noncompliance to the grievant, via U.S. Mail and e-mail, indicating that the University had not received a response from her and would request closure of the grievance if she did not respond within five workdays of receipt of the letter.<sup>2</sup> Finally, on March 7, 2019, the agency requested a compliance ruling from EEDR regarding the November 5, 2018 grievance.

While this ruling was pending, the grievant indicated to EEDR that she does not wish to pursue her grievance. Therefore, we consider the grievance effectively withdrawn and concluded. The University may close its file accordingly.

EEDR’s rulings on matters of compliance are final and nonappealable.<sup>3</sup>

A handwritten signature in black ink, appearing to read "Chris M. Grab".

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

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<sup>1</sup> The grievance is dated October 11, 2018, but it appears it was delivered to the University on November 5, 2018. The date of initiation has no bearing on the outcome of this ruling.

<sup>2</sup> The mailing of correspondence, properly addressed and stamped, raises a presumption of receipt of the correspondence by the addressee. *E.g.*, *Washington v. Anderson*, 236 Va. 316, 322, 373 S.E.2d 712, 715 (1988).

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