

Issue: Consolidation of grievances for a single hearing; Ruling Date: December 11, 2013; Ruling No. 2014-3779, 2014-3780; Agency: Department of Corrections; 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 Corrections  
Ruling Numbers 2014-3779, 2014-3880  
December 11, 2013

This ruling addresses the consolidation of the grievant's two grievances filed with the Department of Corrections (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 September 27, 2013 grievance regarding a Group II Written Notice issued to the grievant on or about August 29, 2013 for an incident allegedly occurring on July 25, 2013, and 2) a September 27, 2013 grievance regarding a Group II Written Notice issued to the grievant on or about August 29, 2013 for an incident allegedly occurring on August 13, 2013.

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>

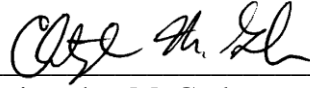
EDR finds that consolidation of both September 27, 2013 grievances is appropriate. These grievances involve the same grievant and could share common themes, claims, and witnesses. The grievances both relate to disciplinary actions issued to the grievant for similar occurrences that appear to have arisen from the same series of events. Further, we find that consolidation is not impracticable in this instance. Therefore, both of the grievant's September 27, 2013 grievances are consolidated for a single hearing. A hearing officer will be appointed in a forthcoming letter.

---

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

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

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



---

Christopher M. Grab  
Director  
Office of Employment Dispute Resolution

---

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