



EMILY S. ELLIOTT
DIRECTOR

COMMONWEALTH OF VIRGINIA
Department Of Human Resource Management
Office of Employment Dispute Resolution

James Monroe Building
101 N. 14th Street, 12th Floor
Richmond, Virginia 23219
Tel: (804) 225-2131
(TTY) 711

ADMINISTRATIVE REVIEW RULING

In the matter of the Department of Corrections
Ruling Number 2021-5143
August 6, 2020

On July 20, 2020, the Office of Employment Dispute Resolution (“EDR”) at the Virginia Department of Human Resource Management received an email from the grievant requesting administrative review of the hearing officer’s decision in Case Number 11531. The grievant’s request did not explain the grounds for her appeal of the decision. EDR informed the grievant that she must submit the basis for her appeal within the 15-calendar-day appeal period, but she has not provided any further submission to EDR.

Pursuant to Section 7.2(a) of the *Grievance Procedure Manual*, a request for administrative review must explain the basis for a party’s appeal of a hearing decision.¹ Without such an explanation, EDR has no grounds for the appeal to assess on administrative review. Because the grievant has not provided an explanation to substantiate the basis for her request, we are unable to conduct an administrative review of this matter.

A hearing officer’s decision becomes a final hearing decision when the 15-calendar-day period for filing requests for administrative review has expired and neither party has filed such a request or once all timely requests for review have been decided.² Because the grievant’s request for review was essentially a nullity, the hearing decision in Case Number 11531 became a final hearing decision after the 15-calendar-day period expired on August 4, 2020. The parties have 30 calendar days from that date to appeal the decision to the circuit court in the jurisdiction in which the grievance arose.³ Any such appeal must be based on the assertion that the final hearing decision is contradictory to law.⁴

Christopher M. Grab
Director
Office of Employment Dispute Resolution

¹ See *Grievance Procedure Manual* § 7.2(a) (requiring the requesting party to refer to the particular provision of policy or the grievance procedure with which the hearing decision does not comply).

² See *id.* § 7.2(d).

³ Va. Code § 2.2-3006(B); *Grievance Procedure Manual* § 7.3(a).

⁴ *Id.*; see also *Va. Dep’t of State Police v. Barton*, 39 Va. App. 439, 445, 573 S.E.2d 319, 322 (2002).