

Issue: Agency Circuit Court Appeals; Compliance; Ruling Date: December 20, 2001; Ruling #2001-227; Agency: Virginia Commonwealth University; Outcome: Director grants approval for agency to pursue notice of appeal.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Virginia Commonwealth University/ No. 2001-227
December 20, 2001

Pursuant to Va. Code 2.2-3006(B), Virginia Commonwealth University (VCU) seeks approval from the Director of this Department to proceed with its appeal of the hearing officer's final decision in Case No. #5283. Because there is no evidence that VCU's appeal is being presented for any improper purpose such as to harass or cause delay, its request is granted. The University may now file a notice of appeal with the circuit court in the jurisdiction in which the grievance arose. Any such notice must be filed within 30 days of this Department's December 10, 2001 ruling, which upheld the hearing officer's procedural compliance with the grievance process.

Approval to proceed with the circuit court appeal in no way reflects the relative merits of the appeal or addresses the jurisdiction of the circuit court. Note that the circuit court "shall award reasonable attorneys' fees and costs to the employee if the employee substantially prevails on the merits" of the agency's appeal.¹

Neil A.G. McPhie, Esquire
Director

¹ See Va. Code § 2.2-3006 (D).