

Issue: Permission to appeal Case #'s 7991, 7992, 7993; Ruling Date: May 11, 2005;
Ruling #2005-1034; Agency: Department of Corrections; Outcome: permission to
appeal granted



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Department of Corrections
Ruling No. 2005-1034
May 11, 2005

Pursuant to Va. Code 2.2-3006(B), the Department of Corrections (agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 7991, 7992, 7993 on the basis that it is contradictory to law. Because there is no evidence that the agency's appeal is based on any improper purpose such as to harass or cause delay, its request is granted. The agency 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 calendar days of April 26, 2005, the date the hearing decision became final.¹ Approval to proceed with the circuit court appeal in no way reflects the substantive merits of the appeal or addresses the jurisdiction of the circuit court.

Claudia T. Farr
Director

¹ A hearing decision becomes final when the 15 calendar day period for filing requests for administrative review has expired and neither party has filed such a request. *Grievance Procedure Manual* § 7.2 (d).