

Issue: Agency permission to appeal to circuit court; Ruling Date: May 25, 2005; Ruling #2005-1041; Agency: Department of State Police; Outcome: permission granted to appeal



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Department of State Police
Ruling No. 2005-1041
May 25, 2005

Pursuant to Va. Code 2.2-3006(B), the Department of State Police (agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 7883 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 May 10, 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 all timely requests for administrative review have been decided and, if ordered by EDR or DHRM, the hearing officer has issued a revised decision. *Grievance Procedure Manual* § 7.2 (d).