

Issue: Permission to appeal hearing decision in circuit court; Ruling Date: March 9, 2007; Ruling #2007-1569; Agency: Old Dominion University; Outcome: permission granted



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of the Old Dominion University
Ruling No. 2007-1569
March 9, 2007

Pursuant to Va. Code 2.2-3006(B), Old Dominion University (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 8116 (including the final fees award) 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 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 Section 7.2(e) of the *Grievance Procedure Manual* provides that in cases involving an award of attorneys' fees, "[o]nce the EDR Director issues a ruling on the propriety of the fees addendum, and if ordered by EDR, the hearing officer has issued a revised fees addendum, the original decision becomes 'final' as described in § 7.2(d) and may be appealed to the Circuit Court in accordance with § 7.3(a)."