

Issue: Agency requests permission to appeal hearing decision to Circuit Court; Ruling
Date: August 18, 2006; Ruling #2007-1425; Agency: Department of Corrections;
Outcome: permission granted



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Department of Corrections
Ruling No. 2007-1425
August 18, 2006

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. 8353 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 August 7, 2006, 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: (1) the 15-calendar-day period for filing requests for administrative review has expired and neither party has filed such a request; or (2) all timely requests for administrative review have been decided and, if ordered by this Department or the Department of Human Resource Management, the hearing officer has issued a revised decision. *Grievance Procedure Manual* § 7.2(d).