

Issue: Permission to Appeal; Ruling Date: October 26, 2006; Ruling #2007-1461;
Agency: Virginia Information Technologies Agency; Outcome: permission to appeal
granted



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Virginia Information Technologies Agency
Ruling No. 2007-1461
October 26, 2006

Pursuant to Va. Code 2.2-3006(B), the Virginia Information Technologies Agency (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 8403 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 October 10, 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 The hearing decision became final once all opportunities to request administrative review of the decision and fees addendum had lapsed. In this case, the hearing decision became final 10 days after the issuance of the final attorney's fees addendum, which was the allowable period for the parties to seek review of the fees addendum. *See Grievance Procedure* § 7.2(e). Because the 10th day (October 9, 2006) fell on a state holiday, the time for requesting review of the fees addendum would have been extended until the next business day, October 10, 2006. *See* EDR Ruling No. 2003-486 (extending time period for requesting administrative review when final day fell on a weekend); EDR Ruling No. 2002-140 (same).