

Issue: Permission to Appeal Hearing Decision in Case No. 8466 to Circuit Court;
Ruling Date: October 1, 2007; Ruling #2008-1828; 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. 2008-1828
October 1, 2007

Pursuant to Va. Code 2.2-3006(B), the Department of Corrections (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 8466 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 September 20, 2007, 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 officer's decision becomes final once all timely requests for administrative review have been decided and, if ordered by EDR or DHRM, the hearing officer has issued a revised decision. *See Grievance Procedure Manual* § 7.2(d). In this case, the hearing decision became final on September 20, 2007, the day DHRM issued its administrative review ruling.