

Issue: Permission to Appeal Hearing Officer's Decision to Circuit Court (Case No. 8859); Ruling Date: October 16, 2008; Ruling #2009-2149; Agency: Virginia Community College System; Outcome: Permission Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Virginia Community College System
Ruling No. 2009-2149
October 16, 2008

Pursuant to Va. Code § 2.2-3006(B), the Virginia Community College System (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 8859 on the basis that it is contradictory to law. Because the agency has stated at least one potential basis on which it contends the hearing officer's decision was contradictory to law and there is no evidence that the agency's appeal is based on any improper purpose such as to harass or cause delay, its request to appeal 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 30, 2008, 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).