Issue: Compliance – Grievance Procedure (Other);   Ruling Date: December 29, 2008;   Ruling #2009-2194;   Agency: University of Virginia;   Outcome: Agency In Compliance.

COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

COMPLIANCE RULING OF DIRECTOR

In the matter of the University of Virginia
Ruling No. 2009-2194
December 29, 2008

Counsel for the University of Virginia (UVA or the agency) has requested that the agency be allowed to provide, not later than January 7, 2009, a rebuttal to an administrative review brief prepared by the grievant's counsel. For the reasons set forth below, the agency's request is granted.

FACTS

The grievant received a Group III Written Notice on July 15, 2008 with termination. On August 6, 2008, the Grievant timely filed a grievance to challenge the agency's actions. On October 23, 2008, the Department of Employment Dispute Resolution ("EDR") appointed a hearing officer. On November 20, 2008, a hearing was held at the agency's location. In his November 26, 2008 decision the hearing officer upheld the agency's actions.[1] On December 11, 2008, counsel for the grievant administratively appealed the hearing decision to this Department. On December 12, 2008, counsel for the agency requested that it be allowed to provide a rebuttal to the grievant's administrative review request.

DISCUSSION

There is no express rule that governs the briefing of administrative review requests. Here, the agency cites to the holiday closure of the agency in December and early January as well as her recent absence from the workplace as reasons justifying her request. Moreover, counsel for the grievant has expressly stated that he has no objection to the agency's request. Accordingly, this Department finds no reason to deny the agency's request. It is, therefore, granted. This Department's rulings on matters of compliance are final and nonappealable.[2]

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Claudia T. Farr
Director

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[1] Hearing Decision Case No. 8975, issued November 26, 2008, at p. 8.
[2] *See* Va. Code § 2.2-1001(5); 2.2-3003(G).