

Issue: Permission to Appeal to Circuit Court (Hearing Decision in Case No. 8882); Ruling Date: March 11, 2009; Ruling #2009-2244; Agency: Science Museum of Virginia; Outcome: Permission Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of the Science Museum of Virginia
Ruling No. 2009-2244
March 11, 2009

Pursuant to Va. Code § 2.2-3006(B), the Science Museum of Virginia (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 8882 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 February 28, 2009, 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 See EDR Ruling No. 2008-1853. (“[A] hearing decision will become a final hearing decision only after the 10 calendar days for challenging the Fees Addendum have passed and neither party has challenged the Fees Addendum or if challenged, timely and appropriate requests for administrative review of the Fees Addendum have been decided by the EDR Director, and if ordered by EDR, the hearing officer has issued a revised Fees Addendum.”) In this case, the fees addendum was issued on February 18, 2009 and was not challenged by either party.