

Issue: Permission to Appeal to Circuit Court the Hearing Officer's Decision in Case No. 9249; Ruling Date: March 4, 2010; Ruling #2010-2556; Agency: Department of Correctional Education; Outcome: Permission Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

PERMISSION TO APPEAL RULING OF DIRECTOR

In the matter of the Department of Correctional Education
Ruling No. 2010-2556
March 4, 2010

Pursuant to Va. Code § 2.2-3006(B), the Department of Correctional Education (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 9249 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 March 3, 2010, 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 officer's decision became final when the 15 calendar day period for filing requests for administrative review expired and neither party filed such a request. See *Grievance Procedure Manual* § 7.2(d).