

Issue: Permission to Appeal to Circuit Court the Hearing Officer's Decision in Case No. 9062; Ruling Date: June 2, 2010; Ruling #2010-2663; Agency: Department of Juvenile Justice; Outcome: Permission Granted.



COMMONWEALTH of VIRGINIA
Department of Employment Dispute Resolution

APPEAL REVIEW RULING OF DIRECTOR

In the matter of Department of Juvenile Justice
Ruling No. 2010-2663
June 2, 2010

Pursuant to Va. Code § 2.2-3006(B), the Department of Juvenile Justice (the agency) seeks approval from the Director of this Department to appeal the final hearing decision in Case No. 9062 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 arguably 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 May 17, 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 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).