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**CONSOLIDATION RULING**

In the matter of the Department of Behavioral Health and Developmental Services  
Ruling Number 2024-5705  
May 2, 2024

This ruling addresses the consolidation of two grievances filed with the Department of Behavioral Health and Developmental Services (the “agency”). For the reasons discussed below, the Office of Employment Dispute Resolution (EDR) at the Department of Human Resource Management (DHRM) finds that consolidation of these grievances for a single hearing is appropriate and practicable.

**FACTS**

The grievant has initiated two grievances with the agency, both challenging formal disciplinary actions, pending with EDR as follows:

- 1) Case Number 12130, a grievance dated January 31, 2024, challenging a Group II Written Notice issued on January 29, 2024, and qualified for a hearing by the agency head on April 29, 2024; and
- 2) Case Number 12108, a dismissal grievance dated February 24, 2024, challenging a Group II Written Notice with termination issued on February 13, 2024, appointed to a hearing officer and currently scheduled for a hearing on June 11, 2024.

The agency has requested that Case Number 12130 be consolidated with Case Number 12108, such that both grievances would be heard at the proceeding already scheduled.

**DISCUSSION**

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated in a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.<sup>1</sup> EDR strongly favors consolidation and will

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<sup>1</sup> *Grievance Procedure Manual* § 8.5.

consolidate grievances when they involve the same parties, legal issues, policies, and/or factual background, unless there is a persuasive reason to process the grievances individually.<sup>2</sup>

EDR finds that consolidation of these two cases is appropriate. These grievances involve the same parties and appear likely to share at least some common themes, claims, and witnesses. Further, we find that consolidation is not impracticable in this instance. Therefore, the two grievances are consolidated for a single hearing.<sup>3</sup> The hearing officer appointment in Case Number 12108 will be amended to include Case Number 12130 as well.

EDR's rulings on compliance are final and nonappealable.<sup>4</sup>

*Christopher M. Grak*  
Director  
Office of Employment Dispute Resolution

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<sup>2</sup> *See id.*

<sup>3</sup> Pursuant to the fee schedule established by EDR's Hearings Program Administration policy, two consolidated grievances shall be assessed a total flat hearing fee of \$5,000. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

<sup>4</sup> *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).