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CONSOLIDATION RULING

In the matter of the Department of Behavioral Health and Developmental Services
Ruling Number 2026-5962
September 29, 2025

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 into a single hearing is appropriate and practicable.

FACTS

The two grievances at issue in this case are:

- 1) a grievance dated June 5, 2025, challenging a Group III Written Notice, issued on May 13, 2025, currently pending for a hearing as Case Number 12331; and
- 2) a dismissal grievance dated September 24, 2025, challenging a Group III Written Notice with termination, issued on September 24, 2025, currently pending appointment to a hearing officer as Case Number 12367.

The agency has requested consolidation of these matters and EDR has not received objection from the grievant.

DISCUSSION

Approval by EDR in the form of a compliance ruling is required before two or more grievances may be consolidated for a single hearing. Moreover, EDR may consolidate grievances for hearing without a request from either party.¹ EDR strongly favors consolidation and will 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.² After the

¹ *Grievance Procedure Manual* § 8.5.

² *See id.*

appointment of a hearing officer, EDR may consolidate the matter “where it substantially serves the interests of efficiency and would not unduly burden either party.”³

EDR finds that consolidation of the two grievances is appropriate. These grievances involve the same parties and both relate to formal disciplinary actions issued to the grievant. Thus, the grievances appear likely to share common themes, claims, and witnesses. Further, we find that consolidation is not impracticable or apparently burdensome to the parties in this instance. Accordingly, the two grievances are consolidated for a single hearing.⁴

EDR has already appointed a hearing officer for Case Number 12331. By separate correspondence, that appointment will be amended to include the other matter (Case Number 12367). No further action by the parties is required as it relates to consolidation.

EDR’s rulings on compliance are final and nonappealable.⁵

Christopher M. Grah
Director
Office of Employment Dispute Resolution

³ *Id.*

⁴ Pursuant to the fee schedule established by EDR’s Hearings Program Administration policy, two consolidated grievances shall be assessed at a flat fee of \$5,000. *See* EDR Policy 2.01, *Hearings Program Administration*, Attach. B.

⁵ *See* Va. Code §§ 2.2-1202.1(5), 2.2-3003(G).