

COMMONWEALTH OF VIRGINIA
Department of Human Resource Management
Office of Employment Dispute Resolution

DIVISION OF HEARINGS

In the matter of: Case No. 12317

Hearing Officer Appointment: July 14, 2025
Hearing Date: October 2, 2025
Decision Issued: November 11, 2025

PROCEDURAL HISTORY AND ISSUES

The Grievant was until recently a Park Manager at a park (the “Park”) of the Virginia Department of Conservation & Recreation (the “DCR” or the “Department” or the “Agency”). On June 6, 2025, DCR issued to the Grievant 5 Group II Written Notices for violation of Written Notice Offense Codes 11 and 13 (unsatisfactory performance and failure to follow instructions or policy, respectively). DCR also issued on June 6, 2025, a Group III Written Notice regarding Written Notice Offense Codes 11, 13 and 99 (Other-as described in the Written Notice). Grievant’s employment was ended by management of the DCR effective June 6, 2025, due to cumulation of the above Written Notices.

The issues for hearing are those delineated by the Grievant in his Form A.

In this proceeding the Agency bears the burden of proof and must show by a preponderance of the evidence that the discipline was warranted and appropriate under the circumstances. Of course, the Grievant bears the burden of proof concerning any affirmative defenses.

The Grievant is seeking, amongst other relief, rescission of the written notices and the termination, and attorney’s fees.

At the hearing, the hearing officer received various documentary exhibits into evidence, namely exhibits 1-41 in the Agency's exhibit binder and 1-16 in the Grievant's exhibit binder.¹

The parties all agreed that email is acceptable as a sole means of written communication.

The hearing officer recorded the hearing.

APPEARANCES

Representative for Agency
Grievant
Legal Counsel
Witnesses

FINDINGS OF FACT

1. During the time relevant to this proceeding (the "Period"), the Grievant was employed by the Agency as a Park Manager at one of its state parks (the "Park").
2. The Grievant performed a vital function for the DCR as a Park Manager. For example, in his EWP, the purpose of the position is described as:

"To direct personnel, operations, and expenditures in the operation of a state park providing for programs and services to ensure visitor expectations are met and the park's natural, historical, and cultural resources are protected for future generations. Ensure department, division, and park support through civic activities, media relations, and interaction with other governmental officers and/ or agencies."

¹ References to the agency's exhibits will be designated AE followed by the exhibit number. The Grievant's exhibits are designated GE followed by the exhibit number.

Manage compliance with regulatory agencies for health and safety and provide intra-agency resources for the advancement of the Agency's mission.” AE 15 at 2.

3. On November 8, 2023, the Grievant was instructed by his District Manager to install a steel door and steel box for the contact station by January 1, 2024. AE 24 at 5.
4. The Grievant’s manager followed up on February 1, 2024, because he heard no response. A week later, on February 7, 2024, Grievant said “most of the items have been taken care of. We are waiting on delivery of the hand dryer and pipe safe.” AE 24 at 11. The pipe safe was ordered the day before. AE 24 at 50-51.
5. In March 2024, the Eastern Field Operations Manager offered to pay for the contact station door and safe out of his own budget. AE 24 at 42-49.
6. The Grievant ignored his instructions. The Grievant was again instructed in his Notice of Improvement and Performance Development Plan delivered October 11, 2024, to complete this project. AE 17 at 2.
7. In December 2024, the Grievant assigned himself the project to be completed by December 21st. AE 25.
8. As of April 30, 2025, the manager’s instructions had not been followed, and the project was still incomplete. The pipe safe had been ordered and received a year earlier but not installed.
9. The Grievant failed to follow multiple instructions from the District Manager.
10. As provided in Finding ¶ 2 above, the purpose of Grievant’s position is to “direct personnel, operations, and expenditures in the operation of a state park,” etc. AE 15 at 2 & AE 14 at 3. Grievant was expected to “[g]ive and receive information,

seek guidance and coordinate work” daily. AE 14 at 6 & AE 17 at 2. According to his Employee Work Profile, Grievant was expected to spend 18% of his job on Personnel Management to include ensuring “that subordinate staff receive the necessary training to enhance their knowledge, skills and abilities to accomplish job tasks and park goals,” and ensure “staff receive frequent, constructive feedback, including interim evaluations as appropriate; performance issues are addressed and documented as they occur.” AE 14 at 10.

11. On July 11, 2024, the Grievant was instructed to review the Office Manager’s work routinely and meet with her one-on-one weekly, asking detailed questions and addressing her needs and to make her role the same as other office managers in other parks. AE 28 at 20. Grievant was instructed to be more diligent with his review of administrative processes and audit the same. Id. He was instructed, “More importantly you need to be meeting with staff and managing at the level we discussed.” AE 28 at 20-21.
12. The Grievant was also instructed in his Notice of Improvement to “[e]nsure staff receive frequent, constructive feedback including interim evaluations between June 1 and July 31; performance issues are addressed and documented as they occur.” AE 17 at 2. He was told his oversight of staff was lacking, employees were not receiving ongoing feedback, expectations were not clearly communicated, assignments were not being documented, and staff were not being held accountable for unmet expectations. Id.

13. In his Performance Development Plan, the Grievant was instructed to conduct 1:1 meetings with his direct reports at least two times per month and use part of the meeting to go over assignments, tasks, and provide feedback and document the items covered with each manager during the meeting and share the notes during their regular meetings. AE 20 at 5.
14. The Chief Ranger and Office Manager credibly testified that the Grievant failed to follow these instructions. He was described as an absent manager who supervised ad hoc and haphazardly, which was precisely contrary to the instructions from his supervisor. The purpose of the instruction was to change these poor leadership habits.
15. The Grievant did not follow instructions but neglected his staff.
16. In April and June 2024, park attendance numbers were clearly not in line with reasonable expectations. In June 2024 there were questions about attendance numbers from the media due to a bacteria outbreak at the park. AE 28 at 8 to 10.
17. The Chief of Visitor Services testified that attendance numbers were tracked by each park typically through the Office Manager, with ultimate responsibility belonging to the Park Manager. Testimony at the hearing was that the Park's Operations Manager began her employment in March 2024.
18. When the park attendance figures for April and June 2024 were clearly inconsistent with reasonable expectations, the Grievant failed to investigate the anomalies, instead insisting the numbers were accurate. AE 28 at 6.
19. Concerned, the Division of State Parks Director sent a July 11, 2024, email to the District Manager and Eastern Field Operations Manager. AE 27.

20. The District Manager shared the Director's concerns with Grievant on July 17, 2024. Grievant was instructed by his supervisor to explain the discrepancies. AE 28 at 14-21.
21. The Grievant was instructed clearly by his manager regarding June and April attendance numbers to conduct a complete analysis going back through April and have these numbers "corrected immediately." *Id.* at 20-21.
22. Grievant failed to follow the instructions.
23. Ultimately, the Chief of Visitor Services corrected the June attendance numbers because she was able to clearly identify the basis for the discrepancy. AE 41 at 2.
24. Grievant failed to follow instructions to correct the April numbers.
25. This issue was again addressed in the Grievant's Notice of Improvement Needed. It stated, "On July 11, 2024, the Director noted errors in your response to a query from the PCMO office. Despite requests from your supervisor to provide a corrected report by July 16, 2024, you failed to meet the deadline and did not provide the requested information." AE 17 at 3. The Grievant again made no effort to correct the attendance discrepancy for April.
26. DCR policy states, "Division managers and their cost center managers shall operate within the limits of their allocated funding **and notify their supervisors and the Division of Financial Management and Budgeting of any potential deficits or savings within their cost centers.**" AE 11 at 2 (emphasis added).

27. After exceeding his budget in FY 2024, the Grievant received a Notice of Improvement Needed and a Performance Development Plan on October 11, 2024. See AE 17 and 20.
28. The Grievant was instructed to share information with staff about the budget. AE 17 at 1. He was counseled for not communicating projected overages to the Operations Manager. *Id.* at 2.
29. Grievant was instructed, “Budget and/or time overruns should be communicated with the Operations Manager in writing upon realization of potential time/budget overrun.” AE 20 at 2.
30. Despite this clear instruction, as of January 2025, just six months into the fiscal year, the Park’s spending was at 82% to budget. AE 34 at 25.
31. The Grievant failed to notify his supervisor of the budget overrun and admitted as much in his response to the Notice of Intent. AE 1 at 25. He stated, “I acknowledge that I delayed informing my supervisor about the issue.” *Id.*
32. Despite this clear admission, once he retained a lawyer he stated and testified that this response was a misrepresentation. He stated in his Grievance, “I proactively communicated all budget overages to [District Manager] ...” *Id.*
33. The Grievant failed to follow instructions to notify management when Grievant was aware of budget overruns.
34. DCR policy states, “**Division managers and their cost center managers shall operate within the limits of their allocated funding** and notify their supervisors and the Division of Financial Management and Budgeting of any potential deficits or savings within their cost centers.” AE 11 at 2 (emphasis added).

35. After having a budget overrun in FY 24, the Grievant was instructed on October 11, 2024, to, in the future, “[e]nsure all projects and tasks are completed with no budget overruns and within the allocated time frame.” AE 17 at 2; AE 20 at 2. Grievant was instructed to track SPCC spending, and to disseminate budgets so that staff know the budget and spending to prevent exactly what happened in this case. Id.
36. Despite this clear instruction, the State Park experienced budget overruns in FY 25 in the amount of \$115,878.73. AE 39.
37. The Grievant admitted in his response to the Notice of Intent that he allowed personal distractions to interfere with tracking his staff’s spending levels.
38. The agency took reasonable measures to ensure that there would be no budget overruns in FY 25 after the Grievant exceeded his budget in FY 24 by \$233,897.84. See AE 39. The agency issued the Grievant a Notice of Improvement, Performance Development Plan and identified below contributor ratings in his performance review. Despite these efforts, the Grievant demonstrated gross neglect of duty for a second year resulting in extreme disruption of operations for two years in a row.
39. The Chief of Business Revenue Administration credibly testified that she identified gross spending in areas that were not budgeted. AE 35 at 20-22.
40. The Division Director credibly testified that every park needs more funding but that Grievant spent recklessly – Grievant overspent in an amount that exceeds the actual total budget for several other parks.

41. As a result, Park operations were materially disrupted. See recording & AE 35 at 27.
41. For example, the Visitor Center remained closed for two consecutive years.
42. The Grievant significantly neglected his duties interfering with the normal flow and function of work, business operations and communications.
43. The Grievant failed to work as agreed, materially and adversely interfering with and disrupting Agency operations. Park staff were of necessity even forced to buy their own supplies.
44. On June 6, 2025, DCR issued to the Grievant 5 Group II Written Notices for violation of Written Notice Offense Codes 11 and 13 (unsatisfactory performance and failure to follow instructions or policy, respectively). DCR also issued on June 6, 2025, a Group III Written Notice regarding Written Notice Offense Codes 11, 13 and 99 (Other-as described in the Written Notice). Grievant's employment was ended by management of the DCR effective June 6, 2025, due to cumulation of the above Written Notices.
45. The Department has fully accounted for all mitigating factors in determining the corrective action taken concerning the Grievant. This finding is discussed in greater detail below.
46. The Department's actions concerning the issues grieved in this proceeding were warranted and appropriate under the circumstances.
47. The Department's actions concerning this grievance were reasonable and consistent with law and policy.

48. The testimony of the witnesses called by the Agency was both credible and consistent on the material issues before the hearing officer. The demeanor of such Agency witnesses at the hearing was candid and forthright.

APPLICABLE LAW, ANALYSIS AND DECISION

The General Assembly enacted the *Virginia Personnel Act*, Va. Code § 2.2-2900 et seq., establishing the procedures and policies applicable to employment within the Commonwealth. This comprehensive legislation includes procedures for hiring, promoting, compensating, discharging and training state employees. It also provides for a grievance procedure. The Act balances the need for orderly administration of state employment and personnel practices with the preservation of the employee's ability to protect his rights and to pursue legitimate grievances. These dual goals reflect a valid governmental interest in and responsibility to its employees and workplace. *Murray v. Stokes*, 237 Va. 653, 656 (1989).

Va. Code § 2.2-3000(A) sets forth the Commonwealth's grievance procedure and provides, in pertinent part:

It shall be the policy of the Commonwealth, as an employer, to encourage the resolution of employee problems and complaints . . . To the extent that such concerns cannot be resolved informally, the grievance procedure shall afford an immediate and fair method for the resolution of employment disputes which may arise between state agencies and those employees who have access to the procedure under § 2.2-3001.

In disciplinary actions, the Agency must show by a preponderance of evidence that the disciplinary action was warranted and appropriate under the circumstances. *Grievance Procedure Manual*, § 5.8.

To establish procedures on Standards of Conduct and Performances for employees of the Commonwealth of Virginia and pursuant to § 2.2-1201 of the *Code of Virginia*, the Department of

Human Resource Management promulgated Standards of Conduct Policy No. 1.60 (the “SOC”).

AE 4. The SOC provide a set of rules governing the professional and personal conduct and acceptable standards for work performance of employees. The SOC serve to establish a fair and objective process for correcting or treating unacceptable conduct or work performance, to distinguish between less serious and more serious actions of misconduct and to provide appropriate corrective action.

The Grievant did not follow state and agency policies concerning his critical agreed to work duties.

Specifically, the SOC state, amongst other things, that Group II level offences include acts of misconduct, violations of policy, or performance of a more serious nature that significantly impact the agency’s services and operations. AE 8. Termination may occur upon accumulation of 2 Group II level offenses. *Id.* at 11. Offenses in the Group III category include acts of misconduct of such a severe nature that a first occurrence normally should warrant termination. *Id.* at 12.

Under the SOC, employees are expected to follow supervisor’s instructions and comply with written policy or agency procedures. Similarly, under the Agency’s CONSERVE work ethics model/competencies (AE 9), cooperation with peers and supervisors and proactive resolution and avoidance of unnecessary problems/issues is stressed:

- Communicate openly and appropriately
- Orient ourselves towards results
- Nurture cooperation and teamwork
- Serve with excellence
- Ensure conflict is handled effectively
- Responsibly carry out our duties
- Value diversity and practice inclusion
- Engage in fully taking initiative

The Grievant's disciplinary infractions were reasonably classified by management as 5 Group II offenses & 1 Group III offense. As counsel for the Agency argues, four Group I Written Notices, two Group II Written Notices, the Group III Written Notice or three Group I Written Notices and one Group II Written Notice can result in termination (the "Termination Events").

The Grievant argues that the Agency has not carried its burden of proof, has misapplied policy and acted unjustly in issuing the discipline. However, the hearing officer agrees with the Agency's attorney that the various offenses are appropriately classified at the Group II & III levels with the Agency appropriately exercising the discipline and ending the Grievant's employment due to accumulation of any of the Termination Events.

Failure to follow instructions constitutes misconduct. AE 8 at 27-28. Failure to follow supervisor's instructions/directives is defined as, "This offense focuses on the ability of agency managers and supervisors to direct work and the workforce. Management must demonstrate the employee was given proper, reasonable and lawful instruction and the employee improperly failed to follow the instructions or perform the assigned work ***regardless of whether the failure to act was intentional or unintentional. An agency is entitled to have all instructions followed,*** unless following the instruction would place the employee or client in imminent danger, cause irreparable harm or violate laws, policy or protocol." Id. at 27-28 (emphasis added).

The Agency has met its evidentiary burden of proving upon a preponderance of the evidence that the Grievant violated numerous policies, including Policy No. 1.60 and that the violations rose to the level of 5 Group II offenses and 1 Group III offense.

The task of managing the affairs and operations of state government, including supervising and managing the Commonwealth's employees, belongs to agency management which has been charged by the legislature with that critical task. *See, e.g., Rules for Conducting Grievance Hearings*, § VI; *DeJarnette v. Corning*, 133 F.3d 293, 299 (4th Cir. 1988).

The Grievant asserts that the discipline is too harsh. The Agency did consider mitigating factors, including the Grievant's past 25 years of service to the Agency.

DHRM's *Rules for Conducting Grievance Hearings* provide in part:

DHRM's *Standards of Conduct* allows agencies to reduce the disciplinary action if there are "mitigating circumstances" such as "conditions that would compel a reduction in the disciplinary action to promote the interests of fairness and objectivity; or . . . an employee's long service, or otherwise satisfactory work performance." *Rules* § VI(B).

If the Department does not consider mitigating factors, the hearing officer should not show any deference to the Department in his mitigation analysis. In this proceeding the Department did consider mitigating factors in disciplining the Grievant.

The Grievant has asserted that the discipline was unwarranted. While the Grievant might not have specified for the hearing officer's mitigation analysis all of the mitigating factors below, the hearing officer considered several factors including those specifically referenced in the Written Notice, the Form A, the hearing, those referenced herein and all of those listed below in this analysis:

1. the demands of the Grievant's work environment;
2. the Grievant's long tenure at the Agency;
3. the effect of the COVID-19 pandemic;
4. the Grievant's past good service to the Agency;
5. The absence of prior formal discipline; and

6. the demands on Grievant of caring for family members.

EDR has previously ruled that it will be an extraordinary case in which an employee's length of service and/or past work experience could adequately support a finding by a hearing officer that a disciplinary action exceeded the limits of reasonableness. EDR Ruling No. 2008-1903; EDR Ruling No. 2007-1518; and EDR Ruling 2010-2368. The weight of an employee's length of service and past work performance will depend largely on the facts of each case, and will be influenced greatly by the extent, nature, and quality of the employee's service, and how it relates and compares to the seriousness of the conduct charged. The more serious the charges, the less significant length of service and otherwise satisfactory work performance become. *Id.*

Here the policy is important to the proper functioning, appearance and reputation of the Agency, and the Grievant held an important position where management of necessity relied on him to follow instructions and perform work in strict conformity with Agency policies, as he had undertaken to do. The hearing officer would not be acting responsibly or appropriately if he were to reduce the discipline under the circumstances of this proceeding.

Additionally, Grievant supervised Park employees. EDR has consistently held supervisors, such as Grievant in this case, to a higher standard.

According to DHRM 1.60, "Supervisors and managers are expected to serve as role models through their compliance with policies, agency protocols and best practices in leading and communicating with their subordinate employees." AE 8 at 6. Supervisors and managers are expected to, "Demonstrate interpersonal communications, leadership strategies and personal conduct that fosters a respectful workplace culture and models the expectations established for employees," and "Provide consistent and objective feedback, coaching and instructional guidance

to employees regarding their performance, conduct or compliance with policies and procedures prior to initiating corrective or disciplinary actions.”

EDR has affirmed that supervisors may be held to a higher standard of conduct and thus elevated level of discipline, as noted by the hearing officer in Case No. 11734, which cited prior EDR decisions supporting this principle.

As EDR stated in case No. 9872, in evaluating misconduct by a supervisor that to a non-supervisory employee would have been a Group I, the discipline was increased to a Group II, stating, "This is especially so because of the supervisor's role and the agency's expectations of the supervisor to serve as a role model to clients and to employees under his supervision." *See, also*, DHRM Ruling 2015-3953:

The issue of whether an agency can hold a supervisor to a higher standard is a policy issue as well as a procedural issue. As discussed above, the Director of DHRM has the sole authority to make a final determination on whether the hearing decision comports with policy. DHRM has previously determined that “agencies may hold supervisors and managers to a higher degree of responsibility and leadership than non-management employees.” The Rules for Conducting Grievance Hearings require that a hearing officer must show deference to how the agency weighs the supervisory status of an employee in determining the appropriate level of discipline. Here, the agency appears to have determined that the grievant’s misconduct was more severe based, in part, on his position as a supervisor. Because policy permits an agency to hold supervisory employees to a higher standard than non-supervisory employees, the hearing officer did not err in deferring to the agency’s weighing of that factor. We decline to disturb the decision on this basis. [Footnotes omitted].

In EDR Case No. 8975 involving the University of Virginia (“UVA”), a grievant received a Group III Written Notice with removal for falsifying records on five (5) separate dates. Although the evidence supported only one of those instances, the hearing officer upheld the disciplinary action. The grievant appealed to EDR asserting that the disciplinary action was inappropriate in that the grievant did not engage in as much misconduct as alleged by UVA. The Director upheld the hearing officer’s decision:

The grievant's arguments essentially contest the hearing officer's determinations of fact as they relate to the proper sanction for the misconduct. Such determinations are within the hearing officer's authority as the hearing officer considers the facts *de novo* to determine whether the disciplinary action was appropriate. In this case, while it appears that the hearing officer did find that the grievant did not engage in as much misconduct as alleged by the University, it was still determined that the grievant had falsified a state record with the requisite intent, generally a Group III offense under the Standards of Conduct. [footnote omitted] Upon review of the record, there is no indication that the hearing officer abused his discretion in making these findings or that the facts were not supported by the hearing record. Consequently, this Department has no basis to disturb the hearing decision.

EDR Ruling Number 2009-2192; February 6, 2009.

The task of managing the affairs and operations of state government, including supervising and managing the Commonwealth's employees, belongs to agency management which has been charged by the legislature with that critical task. *See, e.g., Rules for Conducting Grievance Hearings*, § VI; *DeJarnette v. Corning*, 133 F.3d 293, 299 (4th Cir. 1988).

Pursuant to DHRM Policy 1.60, Standards of Conduct, and the SOC, management is given the specific power to take corrective action ranging from informal action such as counseling to formal disciplinary action to address employment problems such as unacceptable behavior. Accordingly, as long as representatives of agency management act in accordance with law and policy, they deserve latitude in managing the affairs and operations of state government and have a right to apply their professional judgment without being easily second-guessed by a hearing officer. In short, a hearing officer is not a "super-personnel officer" and must be careful not to succumb to the temptation to substitute his judgment for that of an agency's management concerning personnel matters absent some statutory, policy or other infraction by management. *Id.*

In this proceeding, the Agency's actions were consistent with law and policy and, accordingly, the exercise of such professional judgment and expertise warrants appropriate deference from the hearing officer.

The hearing officer decides for the offenses specified in the written notice (i) the Grievant engaged in the behavior described in the written notice; (ii) the behavior constituted misconduct; (iii) the Department's discipline was consistent with law and policy and that there are no mitigating circumstances justifying a further reduction or removal of the disciplinary action.

Additionally, the Grievant alleged retaliation by the Department but did not begin to bear his burden of proving this claim.

To succeed with his retaliation affirmative defense, the Grievant must show that (1) he engaged in a protected activity; (2) he experienced an adverse employment action; and (3) a causal link exists between the protected activity and the adverse action. See *Netter v. Barnes*, 908 F.3d 932, 938 (4th Cir. 2018) (citing *Univ. of Tex. S.W. Med. Ctr. v. Nassar*, 570 U.S. 338, 360 (2013)); *Villa v. CavaMezze Grill, LLC*, 858 F.3d 896, 900-901 (4th Cir. 2017).

If the Agency presents a nonretaliatory business reason for the adverse employment action, then the Grievant must present sufficient evidence that the Agency's stated reason was a mere pretext or excuse for retaliation. See, e.g., *Felt v. MEI Techs., Inc.*, 584 Fed. App'x 139, 140 (4th Cir. 2014).

The Grievant engaged in a protected activity when he communicated with the Office of State Inspector General ("OSIG"). The Grievant further experienced an adverse employment action when he received the Written Notices and was terminated from his within weeks of the OSIG report.

However, the Grievant failed to establish the necessary causal link. As counsel for DCR stresses, the Agency properly convened a team of leaders to make the decision, sought assistance from DHRM, and the ultimate decision-maker, the Deputy Director for Administration & Finance, did not even know that the Grievant participated in the OSIG investigation until she received his grievance after termination.

Further, the Agency had nonretaliatory business reasons for the disciplinary action taken against the Grievant. The Agency has demonstrated that Grievant violated State and Agency policies. Because the Agency had non-retaliatory reasons for its disciplinary actions and the Grievant has offered no probative evidence to suggest that those reasons are mere pretext, the Grievant has not met his burden to prove the Agency's disciplinary action was retaliatory.

Similarly, the Grievant has not carried his burden to show that DCR has applied a double standard in exercising discipline. The District Manager, the Grievant's supervisor, was given a written counseling for allowing the Park to exceed its budget 2 years in a row. However, the District Manager was not a similarly situated employee and the misconduct is not similar because the District Manager supervises several state parks where the Grievant managed just one. The misconduct was not of the same character. Concerning the alleged other comparator, as counsel for DCR emphasizes, unlike the Grievant, he kept his manager apprised of his budgetary issues, consistent with DCR policy. In addition, he was counseled like the Grievant who only received a Notice of Improvement, not discipline, in FY 24 when he exceeded his budget. Furthermore, the evidence did not show that this person persistently ignored opportunities to rectify the situation and follow instructions over a much longer period.

DECISION

The Agency has sustained its burden of proof in this proceeding and the action of the Agency in issuing the written notice and concerning all issues grieved in this proceeding is affirmed as warranted and appropriate under the circumstances. Accordingly, the Agency's action concerning the Grievant is hereby upheld, having been shown by the Agency, by a preponderance of the evidence, to be warranted by the facts and consistent with law and policy.

APPEAL RIGHTS

You may request an administrative review by EDR within **15 calendar** days from the date the decision was issued. Your request must be in writing and must be **received** by EDR within 15 calendar days of the date the decision was issued.

Please address your request to:

Office of Employment and Dispute Resolution
Department of Human Resource Management
101 North 14th St., 12th Floor
Richmond, VA 23219

or, send by e-mail to EDR@dhrm.virginia.gov, or by fax to (804) 786-1606.

You must also provide a copy of your appeal to the other party and the hearing officer. The hearing officer's **decision becomes final** when the 15-calendar day period has expired, or when requests for administrative review have been decided.

A challenge that the hearing decision is inconsistent with state or agency policy must refer to a particular mandate in state or agency policy with which the hearing decision is not in

compliance. A challenge that the hearing decision is not in compliance with the grievance procedure, or a request to present newly discovered evidence, must refer to a specific requirement of the grievance procedure with which the hearing decision is not in compliance.

You may request a judicial review if you believe the decision is contradictory to law. You must file a notice of appeal with the clerk of the circuit court in the jurisdiction in which the grievance arose within **30 days** of the date when the decision becomes final.^[1]

ENTER 11/11/ 2025

John Robinson

John V. Robinson, Hearing Officer

cc: Each of the persons on the Attached Distribution List (by e-mail transmission as appropriate, pursuant to *Grievance Procedure Manual*, § 5.9).

^[1] Agencies must request and receive prior approval from EDR before filing a notice of appeal.