

COURT OF APPEALS OF VIRGINIA

Present: Judges Humphreys, Felton and McClanahan
Argued at Salem, Virginia

JEFFREY S. COMPTON

v. Record No. 1094-05-3

VIRGINIA DEPARTMENT OF CORRECTIONS

MEMORANDUM OPINION* BY
JUDGE ROBERT J. HUMPHREYS
DECEMBER 20, 2005

FROM THE CIRCUIT COURT OF WISE COUNTY
John C. Kilgore, Judge

Timothy W. McAfee for appellant.

Banci E. Tewolde (Joel C. Hoppe, Assistant Attorney General,
on brief), for appellee.

Appellant Jeffrey Compton (“Compton”) appeals from an order of the circuit court reversing his termination for cause, re-instating his employment with appellee Virginia Department of Corrections (“VDOC”), and ordering VDOC to reimburse Compton for lost wages and benefits retroactive to August 26, 2004. Compton’s sole contention on appeal is that the circuit court incorrectly ordered lost wages dating to August 26, 2004—the date of the hearing officer’s decision upholding Compton’s termination—rather than May 4, 2004, the date Compton received notice of his termination.

On appeal, VDOC concedes “that the Circuit Court erroneously determined the date of Compton’s back pay,” and agrees that, if this Court upholds the decision of the circuit court, “the date of his back pay would be the date of his termination, May 4, 2004.” However, for the

* Pursuant to Code § 17.1-413, this opinion is not designated for publication. Moreover, as this opinion has no precedential value, we recite only those facts necessary to our holding.

reasons set forth in Virginia Department of Corrections v. Compton, ____ Va. App. ____, ____ S.E.2d ____ (2005) (this day decided), we reverse the circuit court's order of re-instatement.

Because the circuit court's order has been reversed, this appeal is rendered moot. Accordingly, we dismiss the appeal.

Dismissed.