

(2) "FINAL DECISION" DOES NOT INCLUDE A DECISION REACHED THROUGH ARBITRATION UNDER A COLLECTIVE BARGAINING AGREEMENT.

4-602.

~~ANY FIREFIGHTER OR EMS (A) AN EMPLOYEE, COUNTY, OR MUNICIPAL CORPORATION~~ AGGRIEVED BY A FINAL DECISION ~~OF THE GOVERNMENTAL UNIT BY WHICH THE FIREFIGHTER OR EMS EMPLOYEE IS EMPLOYED~~ MAY OBTAIN JUDICIAL REVIEW OF THAT DECISION IN CONFORMITY WITH THE PROCEDURES PRESCRIBED IN MARYLAND RULES 7-201 THROUGH 7-210 AND §§ 10-215, 10-216, AND 10-217 OF THE ~~ADMINISTRATIVE PROCEDURE ACT~~ THROUGH AN APPEAL FILED IN A CIRCUIT COURT OF APPROPRIATE VENUE.

(B) AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION SHALL BE TAKEN IN ACCORDANCE WITH §§ 7-201 THROUGH 7-210 OF THE MARYLAND RULES.

~~(C) AN EMPLOYEE OR GOVERNMENTAL UNIT~~ ANY PARTY THAT IS AGGRIEVED BY A FINAL JUDGMENT OF A CIRCUIT COURT UNDER THIS SUBTITLE MAY APPEAL TO THE COURT OF SPECIAL APPEALS IN THE MANNER THAT LAW PROVIDES FOR APPEAL OF CIVIL CASES PROVIDED BY LAW.

(D) IN AN APPEAL UNDER SUBSECTION (A) OF THIS SECTION, THE CIRCUIT COURT MAY:

- (1) REMAND THE CASE FOR FURTHER PROCEEDINGS;
- (2) AFFIRM THE FINAL DECISION; OR
- (3) REVERSE OR MODIFY THE DECISION IF ANY SUBSTANTIAL RIGHT OF THE PETITIONER MAY HAVE BEEN PREJUDICED BECAUSE A FINDING, CONCLUSION, OR DECISION:
 - (I) IS UNCONSTITUTIONAL;
 - (II) EXCEEDS THE STATUTORY AUTHORITY OR JURISDICTION OF THE FINAL DECISION MAKER;
 - (III) RESULTS FORM FROM AN UNLAWFUL PRACTICE;
 - (IV) IS AFFECTED BY ANY OTHER ERROR OF LAW;
 - (V) IS UNSUPPORTED BY COMPETENT, MATERIAL, AND SUBSTANTIAL EVIDENCE IN LIGHT OF THE ENTIRE RECORD AS SUBMITTED; OR
 - (VI) IS ARBITRARY AND CAPRICIOUS.

4-603.

~~(A) THE RIGHT TO A JUDICIAL REVIEW PROVIDED UNDER THIS SUBTITLE SHALL EXIST CONCURRENTLY WITH THE RIGHTS PROVIDED TO A FIREFIGHTER OR EMS EMPLOYEE UNDER ANY APPLICABLE COLLECTIVE BARGAINING AGREEMENT.~~