

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

CAROLYN PHIPPS

Complainant,

v.

Docket No.: ES-110-77

GREENBRIER COUNTY
BOARD OF EDUCATION

Respondent.

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

I
PROCEEDINGS

This case came on for hearing on February 7 and 8, 1983, in the Greenbrier County Courthouse, Lewisburg, West Virginia, before Hearing Examiner Emily A. Spieler and Hearing Commissioner Russell Van Cleve. The Complainant appeared in person and was represented by attorneys Dan L. Hardway and Richard L. Withers. The Human Rights Commission was represented by Assistant Attorney General Gail Ferguson. Greenbrier County Board of Education was represented by George Piercy and by its counsel Ralph E. Hayes.

On October 8, 1976, the Complainant filed an individual verified complaint alleging that the Respondent, Greenbrier County Board of Education, had discriminated against her on the basis of sex by failing to hire her in 1975 and 1976. On October 3, 1977, the Human Rights Commission issued a Letter of Determination finding probable cause to believe that the Human Rights Act had been violated.

On June 24, 1982, the Human Rights Commission, by Howard D. Kenney, Executive Director, served written notice of public hearing upon the parties pursuant to West Virginia Code, §5-11-10.

On June 29, 1982, pursuant to §7.10 of the Administrative Regulations of the Human Rights Commission a pre-hearing order was entered by Hearing Examiner Emily A. Spieler. A pre-hearing conference was held, at which the Complainant appeared in person, and was represented by attorney Dan Hardway, the Human Rights Commission was represented by Assistant Attorney General Mary Lou Newberger, and the Respondent appeared by its counsel, Ralph Hayes. The matters determined at the pre-hearing conference and by pre-hearing submission were summarized briefly by the Hearing Examiner at the commencement of the public hearing. (Tr. 1-4-17)

The Complainant and Respondent had full opportunity at public hearing to call witnesses and present evidence relevant to this complaint. Extensive evidence was offered, and parties were represented vigorously and competently by counsel.

The Complainant and Human Rights Commission offered in support of the complaint the testimony of the following:

Robert Gabrys, Director of Educational Personnel Development for the State Department of Education, Robert Williams, a vocational expert; Raymond Hammarth, statistician; Patricia Urbas, female applicant to Respondent for supervisory and teaching posts; Mary O'Dell Phipps, Complainant's mother who was the only full-time woman principal in Greenbrier County from 1972 to 1975 when, she alleges, she was involuntarily demoted to teacher status; and the Complainant herself. Respondent called as its witnesses Clarence Hinkle, Superintendent of Schools in Greenbrier County during the time in question, and George Piercy, Respondent's Personnel Director. In addition, extensive documentary evidence was offered and incorporated into the record.

The West Virginia Human Rights Commission, after full consideration of the testimony, the credibility of witnesses, all exhibits presented, all motions, and argument of counsel, the recommendation of the Hearing Examiner, and exceptions thereto, makes the Findings of Fact, Conclusions of Law and Order as set forth herein.

II ISSUES

The issues presented for resolution in this matter are as follows:

1. Did the Respondent's failure to hire Complainant as a principal in 1975 or 1976 constitute illegal discrimination based upon sex?
2. Did the Respondent's failure to hire Complainant as a teacher in 1975 or 1976 constitute illegal discrimination based on sex?
3. If the Respondent did so discriminate in 1975, did said discriminatory activities constitute a continuing pattern of discrimination?
4. If the Respondent did so discriminate, what is the appropriate remedy due Complainant?

III FINDINGS OF FACT

1. Respondent, Greenbrier County Board of Education, operates the public school system in Greenbrier County, West Virginia. All personnel decisions are ultimately made by the Board itself. The Board employs a Superintendent of Schools to oversee operations of the school system and to make recommendations to the Board regarding, among other matters, personnel actions. The Board of

Education may not hire someone not recommended by the Superintendent. From 1967 to 1980, Clarence Hinkle was the Superintendent. Since 1975, George Piercy has been the Personnel Director, and has been involved in evaluation of teaching personnel and applicants for employment.

2. Complainant, Carolyn Phipps, is a 41-year old white woman.
3. In 1975-76, Ms. Phipps held a permanent professional certificate for teaching effective January 13, 1969, endorsed for Counselor major 1 through 12, English major 7 through 12, General Science major 7 through 9, Teacher-counselor major 7 through 12, Elementary Education 1 through 8, and Journalism major 7 through 12, and a permanent professional administrative certificate effective July 1, 1972, endorsed for Counselor major 1 through 9. Her training classification for salary purposes was a masters plus 30. Her administrative certificate was not endorsed for principal for any level.
4. Prior to 1966, Ms. Phipps was employed in Greenbrier County as a homebound teacher for 144 hours and as a full-time elementary school teacher for over four years. She voluntarily resigned her employment in Greenbrier County in 1966 at the end of the contract, or school year, in order to accept a position with the Nicholas County school system.
5. Ms. Phipps worked for seven years as a high school teacher and counselor at Richwood High School in Nicholas County, from 1966 through the 1972-73 school year, after which she was involuntarily transferred to teach at Glade Creek Elementary School. She was assigned to Glade Creek for the 1973-74 and 1974-75 school years

as an elementary school teacher. During the first year of this assignment, she worked three months and then ceased work until the following September. She resigned her position in the second year of this assignment after one month, on September 23, 1974. Her first year leave and resignation early in her second year at Glade Creek Elementary were due to chronic health problems exacerbated by the distance she had to travel to Glade Creek and the stress of a grievance procedure with which she was involved.

6. In 1975-76, Ms. Phipps was placed on the substitute list in Greenbrier County, and worked 22 days during that year as a substitute teacher, primarily at East Rainelle Elementary School.
7. Ms. Phipps has suffered from arthritis since childhood, which does not chronically disable her from working, but can become disabling when stress, or ^{the} additional physical problems, exacerbate the ailment. In 1975 and 1976 she was not totally and permanently disabled. She did, however, indicate in her own testimony that, subsequent to her resignation from Glade Creek Elementary School, she did not feel physically able to work as a full-time teacher until mid-1976, although she felt she could handle an administrator's job, which is less physically demanding.
8. The West Virginia State Board of Education establishes certification requirements for teachers and school administrators in all West Virginia public schools. Under these requirements, a principal must hold an administrative certificate endorsed for principal in the grade-level school he or she is supervising. There are two exceptions to this rule. First, in a combined elementary-junior high school, endorsement either for elementary or for secondary

principal is proper certification for an individual to hold the principal position. Second, when there is no applicant with proper certification, a county may employ an uncertified person as chief administrator in an elementary school. In these situations, the county is required to select the best available candidate and seek Administrative Head authorization from the State Board for the non-certified person who is employed. Such authorization must be renewed annually if the county is to comply properly with state regulations. Where a fully certified candidate is available to act as principal, however, a person not certified to act as principal is not considered to be qualified and cannot be hired.

9. In selecting an individual for an administrative head position, the county must give first preference to teachers with teaching certificates who want to qualify for full certification as principals. In order to maintain this authorization, the individual must pursue continuing education leading to full certification.
10. The hiring and promotion process used in Greenbrier County in 1975 and 1976 was largely subjective and informal. Recommendations to the School Board were formulated by Hinkle, with the assistance of Piercy, and, where appropriate, the principal of a school where there was a teaching vacancy. Applications were generally received at Hinkle's office. Applicants who sent letters of inquiry not on the formal application form might be considered if county personnel knew the applicant personally. An applicant's certification, experience, and references were factors considered in

the selection process. Responses were not necessarily sent to letters or applications unless a specific request was made for a response. After review of the written applications, references and certification would be checked and the candidate interviewed. Testimony of Respondent's witnesses was inconsistent regarding the order in which these tasks were performed.

11. Respondent had no general written policy regarding procedures for hiring or promotion. In 1976, Respondent did have a written policy which indicated that no one would be denied an interview if one was requested.
12. In general, Respondent gave preference to county school board employees over outside applicants when a vacancy occurred for which the individual was qualified.
13. Principals, administrative heads, and teachers were all employed under one-year individual employment contracts which were renewable annually. After four years, certified teachers only received a continuing contract. The policy of the County was to re-employ persons in the positions they held as long as their performance was considered satisfactory. Fully certified employees were formally reemployed by the Board in April for the next school year. In contrast, Respondent did not enter into employment contracts with non-certified personnel until after June 30 in any year, in order to maximize the possibility of finding fully qualified candidates.
14. In January 1975, Ms. Phipps wrote to Respondent indicating she was interested in working at East Rainelle Elementary School, and

expressing particular interest in one substitute position. Based upon her overall testimony and the letters from Complainant and from Mary O'Dell Phipps, incorporated into this record as Complainant's Exhibits 21-24, we find that her interest at this time was in the particular substitute position available at East Rainelle, and cannot be considered an application for a full-time teaching position for the following school year. The position in question was filled with a qualified woman.

15. On May 20, 1975, Ms. Phipps, by letter, applied for the position as principal of the East Rainelle Elementary School for the 1975-76 school year. She did not in this letter renew her request for a teaching position at East Rainelle. The position was filled with Alvin Meadows, a male, who had been principal at Crichton Elementary and Junior High School in Greenbrier County, and who was fully certified to act as an elementary school principal. In view of the availability of fully certified personnel, Ms. Phipps was not qualified for this position.
16. On July 2, 1975, Ms. Phipps, by letter, requested that she be considered for the principalship at Crichton, vacant due to Meadows' transfer, "or for any other existing vacancies in elementary or junior high in the county where a professional administrative certificate is needed." (Compl. Ex. 25) She did not request consideration for teaching positions.
17. The vacancy at Crichton Elementary and Junior High was filled by James Preston Zopp, a male, who held certification for secondary

school principal and was therefore fully certified to act as principal of a combined elementary and junior high school. In view of the availability of fully certified personnel, Ms. Phipps was not qualified for this position.

18. No vacancies existed in 1975 and 1976 for positions for which Ms. Phipps was qualified based upon her professional administrative certificate endorsed for counseling.
19. On July 9, 1976, Ms. Phipps again sent a letter seeking employment in the Greenbrier County School System. In this letter she indicated interest in employment in one of the following areas: principalships filled by uncertified personnel; guidance counseling; journalism; secondary English; or elementary or junior high teaching.
20. Complainant contends that subsequent to her application on July 9, 1976, she ought to have been considered for any administrative post held by an uncertified individual, and that her qualifications should have been compared with those of such individual. Charles Tilson, a male, was the only full-time school administrator not certified as principal in Greenbrier County in the years 1975-1977.
21. Tilson was first employed as Administrative Head of the Williamsburg School for the 1974-75 school year. He was re-employed for 1975-76, 1976-77, and subsequent years. During his tenure as Administrative Head he followed the guidelines of the State Board of Education: he held an elementary education teaching certificate effective prior to his employment as Administrative Head, and he enrolled in, and pursued an educational program necessary to meet

the requirements for full certification. He performed satisfactorily both in his administrative capacity at Williamsburg and in his continuing education program. No certified principal applied for his position during this period.

22. Respondent failed to renew Tilson's administrative head authorization with the State Board of Education after 1974-75. Hinkle maintained that he was unaware of the annual renewal requirement. According to Dr. Robert Gabrys of the State Board, in view of Tilson's satisfactory progress in both job performance and his pursuit of necessary credentials, this failure by the Respondent represented a rectifiable error carrying no penalty for Respondent or Tilson.
23. At the time that Tilson was initially employed at Williamsburg, Ms. Phipps was not an applicant for administrative positions. At the time of her application in 1976, Tilson had successfully completed two years as Administrative Head. Ms. Phipps argues that Respondent had a duty to transfer Tilson from his administrative post and to replace him with her, an applicant who was also not certified, but who, she contends, was relatively more qualified. We do not so find. In view of Respondent's general policy of reemployment, which was not based upon discriminatory animus toward any particular group, and which provides some measure of job security to employees, we find that the Williamsburg administrative post was not vacant at any time material to Ms. Phipps' applications nor was Respondent seeking uncertified applicants for this post, subsequent to Tilson's initial appointment on August 15, 1974.

24. At the time of Ms. Phipps' July 9, 1976, application, one full-time elementary principal position was available for 1976-77. This position was filled by Andrea McCall Phillips, a woman, who was a certified principal.
25. For the 1976-77 school year, hiring of teachers was as follows: Sixteen elementary school teachers were hired. Of these, 3 were men, 13 women; of the sixteen, nine (2 men, 7 women) were hired prior to Ms. Phipps' application; seven including 1 man (Baxter Griffith) and six women were hired after July 9, 1976. Two secondary English teachers were hired; one man (Daniel Boone) and one woman. Both were hired after Ms. Phipps applied. No guidance counselors or journalism teachers were hired for the 1976-77 school year.
26. Ms. Phipps contends that she was more qualified than Baxter Griffith and Daniel Boone, and that the failure to hire her in their stead constituted discrimination based upon sex. She presented no direct testimony that the failure to hire her as a teacher in 1976-77 was due to her sex.
27. Daniel Boone was hired to teach secondary English at Greenbrier West High School on July 28, 1976. He held a bachelor's degree and reciprocity certificate endorsed for teaching English major 7 through 12 and Speech major 7 through 12. The record does not indicate his teaching experience, nor does it explain what a reciprocity certificate is.
28. Baxter C. Griffith, Jr., was hired on July 30, 1976, as a teacher at Rupert Elementary School. At that time he held a bachelor's

degree with specialization in elementary education and a certificate endorsed for elementary education major 1 through 8 and social studies major 1 through 9. He had no teaching experience.

29. Hinkle investigated Phipps' certification and her reason for resigning her position in Nicholas County in the middle of a contract year. He did not offer to interview Ms. Phipps, nor did he contact her directly regarding any of her applications, nor did he investigate the status of Complainant's health problems which had caused her resignation in Nicholas County. He concluded, based upon her history of employment in her last two years in Nicholas County, that she was not a suitable candidate for employment. Neither he nor Piercy compared her objective credentials, including her certifications and earlier teaching experience, to other applicants, male or female, who were ultimately hired as teachers.
30. Complainant's failure to teach beyond the first months in each of her two concluding years in Nicholas County, and her decision to resign from her position in September 1974, constituted a legitimate reason for Respondent to fail to consider her for employment in Greenbrier County in 1975 and 1976.
31. In November 1976, Hinkle sent a letter to Ms. Phipps regarding home bound teachers in response to an inquiry from her and parents regarding the possibility that she might perform homebound instruction. At the time Ms. Phipps contacted the Respondent regarding homebound teaching, there were no vacancies for such teaching positions in the County.

32. Patricia Urbas applied by letter in 1974 for a job in teaching or administration in the Greenbrier County School System. At the time of her letter, she lacked six hours for her Masters in secondary administration which would have made her eligible for certification as a principal. George Piercy responded by informing her that no vacancies in her teaching fields were available. Respondent did not consider her for any administrative position, including the one at the Williamsburg School.
33. Mary O'Dell Phipps acted as principal of East Rainelle Elementary School for three school years, 1972-73, 1973-74, 1974-75. During these years, she was the only female principal in Greenbrier County. In 1975, she was placed on the transfer list as a teacher. This demotion came amid considerable community controversy, and was based upon events which transpired during her tenure as principal which reflected upon her performance as principal.
34. As of 1974, all major administrative positions within the County were held by men. The County school board consisted solely of men.
35. In 1970, 28.3 percent of the Greenbrier County work force was female and 5.3 percent of the overall Greenbrier County work force was females working in nonfarm management and administrative positions. In 1975, 37.5 percent of the Greenbrier County work force was female. In 1975-76 67 percent of the Respondent's total work force was female. Respondent's total work force ratio of females in 1975 was 180 percent of the size of the ratio for the whole population of the county. Therefore, it would be expected

that, in order to reflect general employment of women in the county, 9.5 percent of Respondent's administrative and managerial positions should have been held by women.

36. Women were represented among Respondent's elementary teaching personnel as follows: In 1974-75, 155, or 88.8 percent of elementary teachers were female; in 1975-76, 174, or 87.4 percent were female; in 1976-77, 161, or 89 percent were female.
37. Women were represented among Respondent's secondary teaching personnel as follows: In 1974-75, 41 or 43.6 percent were female; in 1975-76, 41 or 42.7 percent were female; in 1976-77, 41, or 42.7 percent were female.
38. Women were represented among Respondent's full-time elementary and secondary and assistant principals as follows: In 1974-75, 1 of 21, or 4.7 percent were female; in 1975-76, there were no women out of 21 principals; in 1976-77, one of 21, or 4.7 percent were female.*
39. In addition to full-time principals, Respondent employed teacher-principals at Maxwellton and Anthony Creek, due to their small size. These administrators, drawn from the faculty at the schools, were both men in 1974-75 and 1975-76. In 1976-77, the principal at Maxwellton was replaced by a woman. When all principals are combined, Respondent employed two women out of a total of 23 in 1976-77, or 8.7 percent of all principals were women.*

* This is less than the expected representation of women in administrative posts, but no tests of statistical significance were performed.

Hinkle was responsible for hiring Andrea Phillips as a principal in 1976, and for hiring three women, out of six new principals hired, in 1978.

40. The record does not reveal any overall discrimination against women in hiring for teaching or school administration jobs in 1974-1976.
41. Had Carolyn Phipps been hired as a teacher in 1975-76 she would have received the following salary through the 1981-82 school year: 1975-76 - \$10,339.40; 1976-77 - \$12,185.40; 1977-78 - \$13,444.40; 1978-79 - \$14,953.00; 1979-80 - \$17,020.00; 1980-81 - \$18,219.00; 1981-82 - \$20,512.00. If Carolyn Phipps had been hired as a principal or administrative head, she would have been entitled to receive a supplement to the base salary based upon the number of teachers and students supervised..
42. In the period from 1975 to the present, Ms. Phipps had the following income from wages: 1975, \$614; 1976, \$0; 1977, \$1,441; 1978, \$1,730; 1979, \$1,730; 1980, \$2,039; 1981, \$1,768. In addition, she earned a total of \$34,019 from the bookstore she was operating as a small business during these years.
43. Had Ms. Phipps been employed by the Respondent, 80 percent of her medical bills of \$1,475.45 would have been covered by medical insurance obtained by the Respondent.
44. On July 12, 1977, Ms. Phipps applied for a disability annuity from the Teachers Retirement Board of West Virginia alleging that "due to permanent disability for further service as a teacher, I quit

teaching on September 23, 1974." (Compl. Ex. 48). Disability benefits of \$144 per month were paid to her beginning March 1, 1977. The amount was raised to \$157 per month in 1981.

45. Ms. Phipps made no attempt to obtain any employment from July 12, 1977, the date of her application for disability benefits, to the date of the public hearing in this matter.
46. We find that she did not make reasonable efforts to mitigate her damages from July 12, 1977 to the present.

IV CONCLUSIONS OF LAW

1. At all times referred to herein, the Respondent, Greenbrier County Board of Education, is and has been an employer within the meaning of Section 3(d), Article 11, Chapter 5 fo the Code of West Virginia.
2. At all times referred to herein, the Complainant, Carolyn Phipps, was a citizen and resident of the State of West Virginia, and is a person within the meaning of Section 3(a), Article 11, Chapter 5 of the Code of West Virginia.
3. On October 8, 1976, the Complainant filed a complaint with the Charleston Human Rights Commission, which properly alleged that Respondent had engaged in one or more discriminatory practices against the Complainant as an individual in violation of Section 9, Article 11, Chapter 5 of the Code of West Virginia.
4. The Complaint filed October 8, 1976, was timely filed within 90 days of an alleged act of discrimination.

5. The West Virginia Human Rights Commission has jurisdiction over the parties and subject matter of this action pursuant to Sections 8, 9, and 10, Article 11, Chapter 5 of the Code of West Virginia.
6. To prevail on the merits, the Complainant must prove by a preponderance of the evidence that sex was a factor in the decision not to hire her in 1975 and 1976. The West Virginia Supreme Court of Appeals has adopted the framework of McDonnell-Douglas Corp., v. Green, 411 U.S. 792 (1973) and its progeny for the procedure for the evaluation of evidence presented in employment discrimination cases wherein there is alleged disparate treatment of a member of a protected class. Shepherdstown Volunteer Fire Department v. West Virginia Human Rights Commission, et al, 309 S.E.2d 342 (1983). Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981).

Under the Shepherdstown analysis, the burden is upon the Complainant to prove by a preponderance of the evidence a prima facie case of discrimination which burden may be carried by showing (1) that the Complainant belongs to a protected group under the statute; (2) that he/she applied and was qualified for a position or positions for which there was an opening; (3) that he/she was rejected despite his/her qualifications; and (4) that after the rejection, the Respondent continued to accept the applications of similarly qualified persons and in fact hired persons similarly qualified. If the Complainant is successful in creating this rebuttable presumption of discrimination, the burden then

shifts to the Respondent to offer some legitimate and non-discriminatory reason for the rejection. Should the Respondent succeed in rebutting the presumption of discrimination, then the Complainant has the opportunity to prove by a preponderance of the evidence that the reasons offered by the Respondent were merely a pretext for the unlawful discrimination:

7. The Complainant in this matter failed to meet her initial or ultimate burden of proof on the claim that Respondent failed to hire her as a principal because of her sex. We base this conclusion upon the fact that Complainant was not qualified for any position for which fully certified personnel were available, as she did not have certification as a principal. All vacancies in administrative posts referred to in her letters of application in 1975 were filled by certified principals. We further conclude that there was no vacant administrative post for which she was qualified in 1975 or 1976. Thus, she has failed to meet her burden in that she has failed to show that she was a qualified applicant for a vacant position for which the employer was seeking applicants.
8. We reach the conclusion that Complainant has failed to prove discrimination in the failure to hire her as principal despite the general background and statistical evidence tending to show that Respondent did not generally employ women as principals in 1970-76. Although statistical evidence is relevant, admissible, and can support an individual's claim of disparate treatment based upon sex, statistical evidence alone cannot prove such an allegation without additional evidence specific to the individual Complainant.

9. Where an employer is not seeking applicants for a position, and does not have a vacancy, that employer is under no duty to evaluate the relative qualifications of employees and applicants, or to replace current employees with applicants in order to perform its duty under the West Virginia Human Rights Act.
10. Complainant has failed to prove, by inference or otherwise, that Respondent's failure to hire her as a principal was based, in whole or in part, on her sex.
11. Based upon the totality of the evidence and the credibility of the witnesses, we find that the Complainant has failed to meet the burden to prove that the failure to hire her for a teaching position in 1975-76 in Greenbrier County was based upon her sex. We base this conclusion upon the following considerations. The circumstances surrounding Complainant's resignation from Nicholas County involving two consecutive years during which she taught only a few months, justify a reluctance to hire her for a position in Greenbrier County. Where an employer has obtained information which would legitimately cause it to reach a personnel decision, it is not, under the Human Rights Act, required to delve further, unless the reason for its failure to investigate is shown to be the result of illegal discriminatory animus toward a protected group. The evidence overall in no way supports a conclusion that Respondent was reluctant to hire women into teaching positions. No direct evidence of discrimination against Complainant regarding her applications for teaching positions was offered. While subjectiveness in the hiring process, as existed here, may be evidence supporting discrimination, such evidence must be coupled with

additional proof which would support the contention that the effect of this subjectivity was to allow the employer to discriminate against a protected group, or against an individual because of that person's membership in a protected group. No such evidence is available here regarding the teaching positions at issue.*

12. The Respondent's failure to hire the Complainant as a teacher, and in particular Respondent's decision to hire Baxter Griffith and Daniel Boone in 1976, was not based, in whole or in part, on her sex.

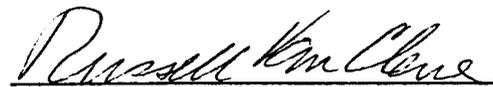
* Subjective nature of hiring decisions may be evidence of discrimination, particularly where claims of discrimination in this context are bolstered by statistical evidence. However, in this case the decision not to consider the Complainant for the jobs for which her statistical case is strong lay with objective, not subjective, factors: certification and vacancies. As the Hearing Examiner noted at the close of hearing, had the Complainant sought the administrative head position at the Williamsburg School in 1974, when Tilson was promoted, and had she at that time been a teacher in the county, her claim of discrimination might have been persuasive. Such was not the case. The only positions which were available and for which she was qualified were teaching posts. As the Complainant's attorney himself noted, utilization of women by Respondent was skewed toward teaching positions. This is not to say that the underutilization of women in administrative posts, and the supportive evidence of discriminatory atmosphere, is not true; rather it merely says that the Complainant in this matter was not herself the victim of discrimination in Respondent's failure to hire her.

13. The Complainant failed to demonstrate, by a preponderance of the evidence, that Respondent engaged in illegal employment practices against her as an individual, in that Complainant failed to show, by inference or otherwise, that the failure to hire her was based in whole or in part upon her sex.
14. Complainant failed to show that Respondent committed any unlawful discriminatory practice against her as an individual which would fall within the meaning of Section 9, Article 11, Chapter 5 of the Code of West Virginia.

V
ORDER

Therefore, based upon the evidence and pursuant to the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that the complaint in this matter be dismissed pursuant to Section 10, Article 11, Chapter 5 of the Code of West Virginia.

Enter this 10 day of May, 1984



Russell Van Cleve
Chairperson
WV HUMAN RIGHTS COMMISSION