



STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301

TELEPHONE: 304-348-2616

ARCH A. MOORE, JR.
Governor

May 1, 1986

Geary Battistelli, Esq.
Beneke & Bremer
420 Laconia Bldg.
Wheeling, WV 26003

Allan Sherry, Esq.
316 S. Main Street
Woodsvield, OH 43793

Charles Q. Gage, Esq.
Jackson, Kelly, Holt & O'Farrell
P. O. Box 553
Charleston, WV 25322

JULIE KELLER V UNION CARBIDE COPR./ES-647-83A

Dear Above Parties:

Herewith⁴ please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Julie Keller V Union Carbide Corp. ES-647-83A.

Pursuant to Article 5, Section 4 of the WV Administrative Procedures Act [WV Code, Chapter 29A, Article 5, Section 4] any party adversely affected by this final Order may file a petition for judicial review in either the Circuit Court of Kanawha County, WV, or the Circuit Court of the County wherein the petitioner resides or does business, or with the judge of either in vacation, within thirty (30) days of receipt of this Order. If no appeal is filed by any party within (30) days, the Order is deemed final.

Sincerely yours,

Howard D. Kenney
(elms)

Howard D. Kenney
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

JULIE KELLER,

Complainant,

vs.

Docket No. ES-647-83A

UNION CARBIDE CORPORATION,

Respondent.

O R D E R

On the 9th day of April, 1986, the Commission reviewed the Findings of Fact and Conclusions of Law of Hearing Examiner David J. Joel. After consideration of the aforementioned, the Commission does hereby adopt the Findings of Fact and Conclusions of Law as its own, with the exception set forth below.

The Commission hereby amends the Findings of Fact in paragraph 7, page 1, by deleting the word "respondent" and substituting therefor the word "complainant."

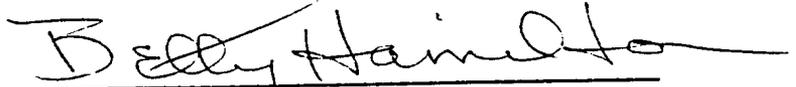
It is hereby ORDERED that the Hearing Examiner's Findings of Fact and Conclusions of Law be attached hereto and made a part of this Order, except as amended by this Order.

By this Order, a copy of which shall be sent by Certified Mail to the parties, the parties are hereby notified that THEY HAVE TEN DAYS TO REQUEST A RECONSIDERATION OF THIS ORDER AND THAT

THEY HAVE THE RIGHT TO JUDICIAL REVIEW.

Entered this 21 day of April.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Betty Hamilton". The signature is written in dark ink and is positioned above a horizontal line.

~~CHAIR/VICE-CHAIR~~
WEST VIRGINIA HUMAN
RIGHTS COMMISSION

WEST VIRGINIA SUPREME COURT OF APPEALS
FOR THE
WEST VIRGINIA HUMAN RIGHTS COMMISSION

JULIE KELLER,

Complainant

vs.

CASE NO. ES 647-83A

UNION CARBIDE CORPORATION,

Respondent

Approved
MS
11/2/86

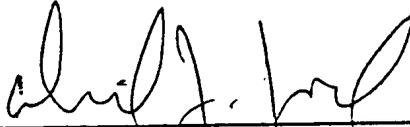
FINDINGS OF FACT AND LAW

1. On the 10th day of May, 1983, Complainant, Julie Keller, filed a Complaint alleging sexual discrimination by her employer, Union Carbide Corporation, the Respondent.
2. Julie Keller was at the time a proper party to this action.
3. On January 15, 1983, Complainant was terminated from her employment and she alleges discrimination as the result of her being a female, pregnant and did not get proper maternity leave.
4. The evidence clearly showed that all pregnant female employees were treated similarly.
5. Complainant alleged that she was fired because she missed work as a result of her pregnancy but the evidence showed that other female employees missed more work during their pregnancy and were not terminated.
6. The evidence showed that all pregnant employees were treated the same and the maternity-leave rules and conditions set up by the Respondent were not discriminatory as such.
7. The evidence showed that the Respondent was terminated as a result of missing work after being warned and after returning from maternity leave.

8. There were no violations of any State Statutes presented.

For these reasons and from the evidence presented by the Complainant,
the undersigned dismissed Complainant's Complaint.

DATED this 17th day of January, 1986.



David J. Joel
Hearing Examiner

WEST VIRGINIA SUPREME COURT OF APPEALS
FOR THE
WEST VIRGINIA HUMAN RIGHTS COMMISSION

JULIE KELLER,

Complainant

vs.

UNION CARBIDE CORPORATION,

Respondent

CASE NO. ES 647-83A

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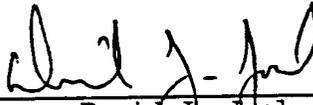
DEC 09 1985

ADMINISTRATIVE DIRECTOR
SUPREME COURT OF APPEALS

ORDER

On the 28th day October, 1985 the above matter was brought on for hearing before the undersigned Hearing Examiner and whereupon the Complainant Julie Keller, in person and by her Counsel, Geary Battistelli presented evidence and exhibits and the Respondent, Union Carbide Corporation appeared by Attorney, Charles Q. Gage and at the close of the Complainant's evidence the Respondent moved to dismiss the Complaint on the grounds that the Complainant did not show that she was discriminated against within the meaning of the West Virginia Human Rights Act and said Motion was granted and the Complaint dismissed by this Hearing Examiner.

Dated this ¹⁷th day of ^{JANUARY} December, 1985.



David C. Joel, Hearing Examiner