



STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

**215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301**

ARCH A. MOORE, JR.
Governor

TELEPHONE: 304-348-2616
April 7, 1986

Carolyn W. Marsh
Attorney at Law
1634 Quarrier Street
Charleston, WV 25301

John D. Wooton, Esq.
Wooton, Wooton & Fragile
P. O. Box 1733
Beckley, WV 25801

Re: Minshew V Grady Whitlock Ford
ES-206-81

Dear Above Parties:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Minshew V Grady Whitlock Ford, Inc. ES-206-81.

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
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

SHIRLEY MINSHEW,

Complainant,

vs.

Docket No. ES-206-81

GRADY WHITLCOCK FORD, INC.,

Respondent.

O R D E R

On the 12th day of March, 1986, the Commission reviewed the Findings of Fact and Conclusions of Law of Hearing Examiner Theodore R. Dues, Jr. After consideration of the aforementioned, the Commission does hereby not adopt the Findings of Fact and Conclusions of Law as its own.

It is hereby ORDERED that the case be remanded to the Commission staff to take all necessary actions to prepare revised Findings of Fact and Conclusions of Law in conformity with the opinion of the Commission that because complainant was terminated for complaining about a discrepancy in pay of another woman, which in and of itself does not show discrimination on the basis of sex, and because the hiring of a male replacement after termination cannot become discrimination if the reasons for the termination were not discriminatory, there should be a finding for the respondent and the case should be dismissed.

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 21st day of March, 1986.

Respectfully Submitted,

Betty A. Hamilton

CHAIR/VICE-CHAIR
WEST VIRGINIA HUMAN
RIGHTS COMMISSION



file

STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

**215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301**

ARCH A. MOORE, JR.
Governor

TELEPHONE: 304-348-2616
April 7, 1986

Carolyn W. Marsh
Attorney at Law
1634 Quarrier Street
Charleston, WV 25301

John D. Wooton, Esq.
Wooton, Wooton & Fragile
P. O. Box 1733
Beckley, WV 25801

Re: Minshew V Grady Whitlock Ford
ES-206-81

Dear Above Parties:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Minshew V Grady Whitlock Ford, Inc. ES-206-81.

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
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

SHIRLEY MINSHEW,

Complainant,

vs.

Docket No. ES-206-81

GRADY WHITLCOCK FORD, INC.,

Respondent.

O R D E R

On the 12th day of March, 1986, the Commission reviewed the Findings of Fact and Conclusions of Law of Hearing Examiner Theodore R. Dues, Jr. After consideration of the aforementioned, the Commission does hereby not adopt the Findings of Fact and Conclusions of Law as its own.

It is hereby ORDERED that the case be remanded to the Commission staff to take all necessary actions to prepare revised Findings of Fact and Conclusions of Law in conformity with the opinion of the Commission that because complainant was terminated for complaining about a discrepancy in pay of another woman, which in and of itself does not show discrimination on the basis of sex, and because the hiring of a male replacement after termination cannot become discrimination if the reasons for the termination were not discriminatory, there should be a finding for the respondent and the case should be dismissed.

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 21st day of March, 1986.

Respectfully Submitted,

Betty A. Hamilton

CHAIR/VICE-CHAIR
WEST VIRGINIA HUMAN
RIGHTS COMMISSION