

STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

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Herman H. Jones
Executive Director

October 18, 1996

Gordon A. Rowe
1512 Pinewood Dr.
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Kanawha County Schools
200 Elizabeth St.
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Gregory W. Bailey, Esq.
Kanawha County Schools
200 Elizabeth St.
Charleston, WV 25311

Re: Gordon A. Rowe v. Kanawha County Schools
Docket No. ERS-350-94

Dear Parties and Counsel:

Enclosed please find the Final Order of the West Virginia Human Rights Commission in the above-styled and numbered case. Pursuant to W. Va. Code § 5-11-11, as amended and effective July 1, 1989, any party adversely affected by this Final Order may file a petition for review. Please refer to the attached "Notice of Right to Appeal" for more information regarding your right to petition a court for review of this Final Order.

Sincerely,

HERMAN H. JONES
EXECUTIVE DIRECTOR

HHJ/jk
Enclosures
Certified Mail/Return
Receipt Requested
cc: The Honorable Ken Hechler
Secretary of State

NOTICE OF RIGHT TO APPEAL

If you are dissatisfied with this Order, you have a right to appeal it to the West Virginia Supreme Court of Appeals. This must be done within 30 days from the day you receive this Order. If your case has been presented by an assistant attorney general, he or she will not file the appeal for you; you must either do so yourself or have an attorney do so for you. In order to appeal, you must file a petition for appeal with the Clerk of the West Virginia Supreme Court naming the West Virginia Human Rights Commission and the adverse party as respondents. The employer or the person or entity against whom a complaint was filed is the adverse party if you are the complainant; and the complainant is the adverse party if you are the employer, person or entity against whom a complaint was filed. If the appeal is granted to a nonresident of this state, the nonresident may be required to file a bond with the clerk of the supreme court.

IN SOME CASES THE APPEAL MAY BE FILED IN THE CIRCUIT COURT OF KANAWHA COUNTY, but only in: (1) cases in which the Commission awards damages other than back pay exceeding \$5,000.00; (2) cases in which the Commission awards back pay exceeding \$30,000.00; and (3) cases in which the parties agree that the appeal should be prosecuted in circuit court. Appeals to Kanawha County Circuit Court must also be filed within 30 days from the date of receipt of this Order.

For a more complete description of the appeal process see West Virginia Code § 5-11-11 and the West Virginia Rules of Appellate Procedure.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

GORDON A. ROWE,

Complainant,

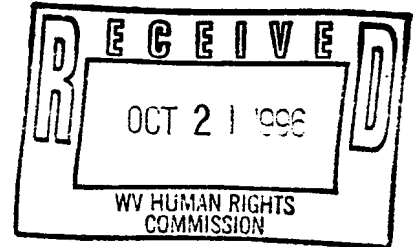
v.

DOCKET NO. ERS-350-94

KANAWHA COUNTY SCHOOLS,

Respondent.

FINAL ORDER



On October 10, 1996, the West Virginia Human Rights Commission reviewed the Final Decision of the Administrative Law Judge filed in the above-styled action by Administrative Law Judge Robert B. Wilson. After due consideration of the aforementioned, and a thorough review of the transcript of record, arguments and briefs of counsel, and the exceptions filed in response to the Administrative Law Judge's Final Decision, the Commission decided to, and does hereby, adopt said Final Decision of the Administrative Law Judge as its own, with the following clerical error modification:

On page one, the first sentence of paragraph two should read:

The complainant, Gordon A. Rowe, appeared in person. His case was presented by Senior Assistant Attorney General Paul R. Sheridan, counsel for the West Virginia Human Rights Commission.

It is, therefore, the order of the Commission that the Administrative Law Judge's Final Decision be attached hereto and made a part of this Final Order, except as modified hereinabove.

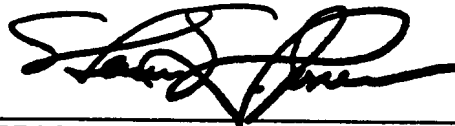
By this Final Order, a copy of which shall be sent by certified mail to the parties and their counsel, and by first class mail to the Secretary of State

of West Virginia, the parties are hereby notified that they may seek judicial review as outlined in the "Notice of Right to Appeal" attached hereto.

It is so ORDERED.

WEST VIRGINIA HUMAN RIGHTS COMMISSION

Entered for and at the direction of the West Virginia Human Rights Commission this 18th day of October, 1996, in Charleston, Kanawha County, West Virginia.



HERMAN H. JONES
EXECUTIVE DIRECTOR

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

GORDON A. ROWE,

Complainant,

v.

DOCKET NUMBER: ERS-350-94

KANAWHA COUNTY SCHOOLS,

Respondent.

FINAL DECISION

A public hearing, in the above-captioned matter, was convened on 19th day of March, 1996, in Kanawha County, at the Human Rights Commission, 1321 Plaza East, Charleston, West Virginia, before Robert B. Wilson, Administrative Law Judge.

The complainant, Gordon A. Rowe, appeared in person and by counsel, Paul R. Sheridan, Senior Assistant Attorney General. The respondent, Kanawha County Schools, appeared by its representative, Superintendent Jorea Marple and by counsel, Gregory W. Bailey.

All proposed findings submitted by the parties have been considered and reviewed in relation to the adjudicatory record developed in this matter. All proposed conclusions of law and argument of counsel have been considered and reviewed in relation to

the aforementioned record, proposed findings of fact as well as to applicable law. To the extent that the proposed findings, conclusions and argument advanced by the parties are in accordance with the findings, conclusions and legal analysis of the administrative law judge and are supported by substantial evidence, they have been adopted in their entirety. To the extent that the proposed findings, conclusions and argument are inconsistent therewith, they have been rejected. Certain proposed findings and conclusions have been omitted as not relevant or not necessary to a proper decision. To the extent that the testimony of various witnesses is not in accord with the findings as stated herein, it is not credited.

A.

FINDINGS OF FACT

1. The complainant is an African American male, currently working as an art teacher and coach for the respondent at Roosevelt Junior High School. The complainant has been an employee of the Kanawha County Board of Education for approximately thirty years, working as an art teacher in several schools in the County, and working as acting assistant principal at Roosevelt Junior High School for one school year. Tr. 18-19,40.

2. The complainant attended West Virginia State College, and in 1964, was awarded a bachelor of science degree in education with an emphasis in art. He obtained certification as a teacher in West

Virginia and immediately began his teaching career in Kanawha County public schools. Tr. 40.

3. The complainant first taught in 1964 at Washington Junior High School in Alum Creek, teaching art and mechanical drawing and assisting with extracurricular activities, including yearbook, class activities and coaching football, basketball and track. Tr. 23,25.

4. In 1975, the complainant left Washington Junior High School and took an assignment at Dunbar High School, teaching art and art education in grades 10 through 12. He taught at Dunbar High School until 1990. At Dunbar High School, he also coached track and cross country, sponsored school dances, coordinated class activities and sponsored the yearbook. Tr. 25-26.

5. When the complainant began teaching at Dunbar High School, Jack McClanahan was principal. During the complainant's tenure there, Mr. McClanahan was succeeded as principal by his brother, Paul McClanahan, and later by Bert Morris. David Swartz worked at Dunbar High School as vice principal during complainant's tenure there. Tr. 26-27,86,89.

6. In 1988, complainant became active regarding a racial incident at Dunbar High School. Dunbar High School coach Bill Young commented to his team that they "did not play nigger ball" at Dunbar High School. The men on the team did not initially report the

comment, but a female manager for the team reported the comment to the complainant, who in turn went to the principal, Bert Morris. Tr. 62.

7. Mr. Morris did not take immediate decisive action but rather advised complainant to let it quite down and that it would be bad for complainant if he talked to the media. Tr. 63,65.

8. Complainant thought that the incident warranted action and went to parents and the media with reports of the incident. Complainant thought Coach Young should apologize to the students; which Coach Young refused to do. Complainant was a part of a group of citizens, including parents and the local NAACP, who approached the Board of Education regarding the incident. Tr. 64-65.

9. Joe Beavers an administrator with the respondent, was one of the people confronted in connection with this matter. Mr. Beavers was involved with the investigation and decision making in regards to Coach Young. Administrator Jack McClanahan was also involved; and both Mr. Beavers and Mr. McClanahan were friends and colleagues of Coach Young. Tr. 64-65.

10. Coach Young was pressured into resigning as a result of this incident and complainant received cold treatment at Dunbar High School from fellow teachers. Coach Young had been highly successful and was quite popular. Tr. 66.

11. While teaching at Dunbar High School, complainant returned to school to study school administration. Complainant believed he could make a positive contribution as a school administrator and particularly recognized the importance of having African American leaders and role models in the schools. In this regard it is noted that the tenure at Dunbar saw three African American teachers and no African American administrators there, while the student population had a high percentage of African American students. Tr. 30,34-36.

12. Complainant attended West Virginia College of Graduate Studies and graduated in 1988 with a master's degree in secondary administration, with a graduate degree GPA of 3.75. Since graduation, complainant has earned an additional 38 graduate hours beyond his master's degree. Complainant has received special training in cooperative learning, team teaching, cooperative discipline and strategic planning with parents. Tr. 37-38.

13. In addition to his teaching, complainant has done consulting work in the area of parental involvement. This consulting work has been performed on behalf of the West Virginia College of Graduate Studies and the Appalachian Education Laboratory. Tr. 39.

14. After complainant received his school administration credentials, he repeatedly applied, unsuccessfully, for administrative positions with the respondent school system. These included applications for vice principal at Dunbar High School, East Bank

Junior High School, Horace Mann Junior High School, and Stonewall Jackson Junior High School. Tr. 51-55.

15. In 1990, complainant applied for a position as vice principal at Hayes Junior High School and was awarded the position. After complainant was awarded the position as vice principal at Hayes Junior High School, he was approached by then Superintendent of Kanawha County Schools, David Accord, who told him that there was an opening for an acting vice principal position at Roosevelt Junior High School and encouraged him to take it instead, indicating that it would become permanent the following year in all likelihood. Tr. 40-43.

16. Hayes Junior High School had few minority students. Then principal, Sam Lees is white. Roosevelt Junior High School had a large African American population. Roosevelt's then principal, Patricia Petty is African American. Tr. 40-42.

17. Upon the encouragement of Superintendent Accord, complainant accepted the Roosevelt acting vice principal position and worked in that capacity during the 1990-91 school year. Tr. 40-42.

18. Complainant performed the duties of acting vice principal at Roosevelt Junior High School very well. He had many opportunities to administer the school, handle discipline, handle supervision of students, teachers and staff, arrange assemblies, perform scheduling and evaluate teachers. The complainant received a good evaluation from principal Patricia Petty, who recognized that his performance

exceeded standards and recommended his continued employment as vice principal there. Jt. Ex. No. 9; Tr. 44-47.

19. Nevertheless, the following August, complainant was notified that the former vice principal was returning to that position, and complainant was forced to accept a teaching position at Roosevelt Junior High School instead, despite his objections to being forced out of his administrative position and not being able to apply for vacancies in administrative positions elsewhere because of the imminent start of the new school year. Tr. 47-50.

20. In the fall of 1991, complainant returned to teaching art, coaching basketball and track, and advising the yearbook staff at Roosevelt Junior High School. Despite his repeated efforts to move back into administration, complainant has remained in the position as art teacher. Tr. 50.

21. In August 1993, the respondent posted a position opening for principal at Roosevelt Junior High School. Complainant applied. Jt. Ex. Nos. 3,4,5; Tr. 55-56.

22. In this original posting, the respondent listed minimum qualifications "minimum two years successful experience as vice principal or principal". Jt. Ex. No. 3; Tr. 101.

23. Several applicants responded including David Miller. Jt. Ex. No. 4.

24. Concerns were expressed regarding the two years minimum experience requirement and respondent subsequently reposted the position with the same requirements except for the two-year minimum requirement. Jt. Ex. No. 5; Tr. 101.

25. The same applicant pool expressed interest in the position, except that all applicant's were now minimally qualified. Tr. 118-119.

26. Jorea M. Marple, Kanawha County Superintendent of Schools since July 1993 testified on behalf of respondent. Dr. Marple had barely started in her position as Superintendent at the time the principal position at Roosevelt was posted. Dr. Marple testified that as Superintendent it was her responsibility to make recommendations for employment to the respondent Board of Education for approval and that is what she did in this instance. Tr. 98-99.

27. Superintendent Marple acknowledged that she was not personally involved with the interview process, and that she made her decision based upon information that had been gathered and digested by others. Joe Beavers and Jack McClanahan were directly involved in interviewing and evaluating the candidates. Dr. Marple was sure that she discussed the hiring decision with Mr. Beavers. Dr. Marple testified that it is likely that she asked Mr. Beavers for a recommendation and that Mr. Beavers recommended Mr. Miller; and it is found as a fact that this is in fact what transpired as the preponderance of the evidence so indicates. Tr. 115-117.

28. David Miller was the successful applicant for the principal position at Roosevelt Junior High School for 1993-1994. Jt. Ex. No. 16.

29. Dr. Marple testified that the decision to hire Mr. Miller was made in conformity with W. Va. Code §18A-4-7 and based upon the candidate matrix. The statute requires that the applicant with the highest qualifications be hired; and that consideration is to be given to appropriate certifications, amount of course work and degree level, academic achievement, relevant specialized training; past performance evaluations and other measures or indicators upon which the relative qualifications could be judged. Tr. 103.

30. Complainant possessed greater overall educational experience than Mr. Miller, complainant had higher academic achievement and had performed consulting work on parental involvement. Mr. Miller possessed 6 years of administrative experience. Therefore, it is found as a fact that complainant's qualifications were equal to or greater than those of the successful candidate. Jt. Ex. Nos. 6,8,15; Tr. 37-38,105.

31. Dr. Marple acknowledged that the applications of complainant and Mr. Miller, the successful applicant, were similar, including similar interview scores. Tr. 106-107.

32. Dr. Marple testified that she weighted heavily, Mr. Miller's prior six years as vice principal. Notwithstanding this testimony, it

is found as fact that Dr. Marple relied primarily upon the recommendations of Mr. Beavers and Mr. Jack McClanahan in choosing Mr. Miller over complainant because she had just assumed her duties as Superintendent at the time the decision at issue was made. Subsequent hiring decisions suggest that prior experience is not given such overwhelming weight by respondent in its decision as to outweigh complainant's superior qualifications in all other respects as to the particular hiring at issue in this case. Tr. 126-127.

33. It is found as fact that Mr. Beavers continued his hostility toward complainant based upon Mr. Swartz's credible testimony that Mr. Beavers had indicated to him that he had heard that Mr. Swartz and complainant were trying to run the vice principal off at Roosevelt Junior High School so they could run the school. This animus is found as fact to have resulted from the incident at Dunbar High School when complainant engaged in protected activities opposing racially derogatory language by the popular basketball coach, based upon the preponderance of the circumstances established at hearing. Tr. 91.

34. It is found that complainant was denied the principal position for the 1993 school year at Roosevelt Junior High School as a direct result of his race and his opposition to Coach Young's use of racially derogatory terms with his squad.

35. Mr. Miller stayed in the position at Roosevelt for one year and then transferred. Thereafter, this position was not posted and was filled by temporary assignment. When the vice principal position

was filled at Roosevelt Junior High School recently it was filled by a candidate with no prior administrative experience. Since the Summer of 1993, the respondent has filled more than 20 administrative positions and despite the fact that many of these positions were applied for by the complainant he has never been given another administrative position. Dr. Marple has acknowledged complainant was well qualified for an administrative position. Tr. 71,112-113,127,131.

36. It is found as fact that respondent has consciously or unconsciously avoided giving complainant a well deserved administrative position during the pendency of his Human Rights case.

37. It was stipulated that the salary paid to the principal at Roosevelt Junior High School was \$42,480 in 1993-1994, \$44,252 in 1994-1995, and \$47,785 in 1995-1996. For school years 1993-1994, 1994-1995, and 1995-1996 the complainant's salary was \$36,816. Health and related benefits are substantially equivalent for administrators and teachers.

38. The denial of the position as principal at Roosevelt Junior High School resulted in net lost earnings to complainant of \$24,510.96 based upon the monthly lost back wage of \$3,540 for August 1993 through and including June 1994; \$3,687.66 for July 1994 through and including June 1995; and \$3,982.08 for July 1995 through and including July 1996. Interest for that period totals \$3,320.23.

39. Complainant suffered humiliation, frustration, embarrassment and similar emotional distress as a result of illegal racial discrimination in excess of \$3,277.00.

B.

DISCUSSION

The West Virginia Human Rights Act, at W. Va. Code §5-11-9(1), makes it unlawful "for any employer to discriminate against an individual with respect to compensation, hire, tenure, terms, conditions or privileges of employment...." The term "discriminate" or "discrimination" as defined in W. Va. Code §5-11-3(h) means "to exclude from, or fail or refuse to extend to, a person equal opportunities because of...race...." The concept of discrimination also encompasses any form of reprisal or other discrimination because a person has opposed any practices or acts forbidden under the West Virginia Human Rights Act. W. Va. Code §5-11-9(7)(C).

In order to make a prima facie case of employment discrimination under the West Virginia Human Rights Act, the complainant must offer proof of the following:

1. That the complainant is a member of a protected class.
2. That the respondent made an adverse decision concerning the complainant.
3. That but for the protected status of the complainant, the adverse decision would not have been made. Conaway v. Eastern Associated Coal Corp., 358 S.E.2d 423 (W. Va. 1986); Mingo County

Equal Opportunity Council v. State Human Rights Commission, 376 S.E.2d 134 (W. Va. 1988).

A discrimination case may be proven under a disparate treatment theory which requires that the complainant prove a discriminatory intent on the part of the respondent. The complainant may prove discriminatory intent by the three step inferential proof formula first articulated in McDonnell Douglas Corporation v. Green, 411 U.S. 792, 93 S.Ct. 1817, 36 L.Ed.2d 668 (1973), and adopted by the West Virginia Supreme Court in Shepardstown Volunteer Fire Department v. West Virginia Human Rights Commission, 172 W.Va. 627, 309 S.E.2d 342 (1983). Under this formula the complainant must first establish a prima facie case of discrimination; the respondent then has the opportunity to articulate a legitimate nondiscriminatory reason for its action; and finally the complainant must show that the reason proffered by the respondent was not the true reason for the employment decision, but rather a pretext for discrimination.

The term "pretext" has been held to mean an ostensible reason or motive assigned as a color or cover for the real motive; false appearance, or pretense. West Virginia Institute of Technology v. West Virginia Human Rights Commission, 181 W.Va. 525, 383 S.E.2d 490 (1989). A proffered reason is pretext if it is not the true reason for the decision. Conaway, supra. Pretext may be shown through direct or circumstantial evidence of falsity or discrimination. Barefoot v. Sundale Nursing Home, 193 W.Va. 475, 457 S.E.2d 152 (1995). Where pretext is shown discrimination may be inferred,

Barefoot, supra, though discrimination need not be found as a matter of law. St. Mary's Honor Society v. Hicks, 509 U.S.____, 113 S.Ct. 2742, 125 L.Ed.2d 407 (1993).

There is also the "mixed motive" analysis under which a complainant may proceed to show pretext, as established by the United States Supreme Court in Price Waterhouse v. Hopkins, 490 U.S. 228, 109 S.Ct. 1775, 104 L.Ed.2d 268 (1989), and recognized by the West Virginia Supreme Court in West Virginia Institute of Technology, supra. "Mixed motive" analysis applies where the respondent has articulated a legitimate nondiscriminatory reason for its decision which is not pretextual, but where a discriminatory motive plays a part in the adverse decision. Under the "mixed motive" analysis, the complainant need only show that race played some roll in the decision, and the employer can avoid liability only by proving that it would have made the same decision even if it had not considered the complainant's race. Barefoot, 457 S.E.2d at 162, n. 16; 457 S.E.2d at 164, n. 18.

The complainant is an African American. The complainant applied for a position as principal at Roosevelt Junior High School for which he was admittedly qualified. Despite complainant's qualifications, a white applicant of equal or inferior qualifications was selected for that position. Thus the complainant has made out a prima facie case of employment discrimination under the West Virginia Human Rights Act. The complainant was involved in protected activity when he was involved with protesting the use of the racially derogatory term by

the popular basketball coach at Dunbar High School in 1988. Although the use of such a term on one occasion by itself would not be a violation of the Human Rights Act, certainly the failure of coach Young to apologize for using such a term and the failure of the administration to take decisive steps in correcting the situation, while instead threatening the complainant with harm should he go public with this information, taken together establish a hostile racial environment and entitle the complainant to protection under the Human Rights Act's retaliation provision.

It is undisputed that Assistant Superintendent Joe Beavers and Jack McClanahan were involved in the Coach Young matter, that they were aware of complainant's roll in this incident, and that they were not happy about complainant's actions in that regard. Both these individuals were intimately involved with the evaluation process for the selection of the principal position for which the complainant was a candidate. The undersigned found that Dr. Marple relied upon the recommendation of Joe Beavers in making the decision to select Mr. Miller for the vice principal position, and Dr. Marple specifically admitted to discussing the selection with Mr. Beavers. Dr. Marple testified credibly that she was not aware of the complainant's involvement in the Coach Young incident. Nevertheless she did rely upon the recommendations of Assistant Superintendent Beavers in selecting Mr. Miller over the complainant, whose interview scores were superior to those of Mr. Miller. Thus the complainant has established by a preponderance of the evidence that a retaliatory motive played a

decisive part in his failure to be promoted to an administrative position.

Dr. Marple advances as a legitimate nondiscriminatory reason for her recommendation that Mr. Miller be selected over the complainant for the position of principal at Roosevelt Junior High School, Mr. Miller's extra administrative experience. The undersigned concludes that this reason is pretextual. Although this reason is plausible in retrospect, it is far from compelling when viewed in light of two key facts. First it must be remembered that administrative experience had been specifically removed from the requirements for the position as posted following its initial posting. Secondly, the position of vice principal at Roosevelt Junior High School has since been filled by a candidate with no prior administrative experience. The complainant's scores were higher than those of Mr. Miller on the interview summaries and the hiring matrix. The complainant's credentials admittedly speak well to his qualifications for an administrative position. Despite complainant's being well qualified for administrative duties, he has continued to be denied hiring for administrative positions. Thus there is compelling circumstantial evidence which would indicate that the complainant was denied his position as principal at Roosevelt Junior High School, at least in part, due to retaliatory motives connected to his involvement with the Coach Young incident; and that he continues to be denied an administrative position, quite probably because of his subsequent filing of his complaint in the present case. This decision is not to be considered as a general indictment of Dr. Marple as being prone to discrimination of any sort, be it racial or

otherwise, as the evidence clearly indicates this is not the case. This is simply a case where the recommendations of individuals arising out of hostility directed at the complainant for his actions in calling attention to a racial incident at Dunbar High School in 1988 have played an unlawful part in the failure to hire the complainant in an administrative capacity and perhaps an unconscious natural reaction against his filing of a racial discrimination complaint intervening to prevent his selection for subsequent administrative openings.

C.

CONCLUSIONS OF LAW

1. The complainant, Gordon A. Rowe, is an individual aggrieved by an unlawful discriminatory practice, and is a proper complainant under the Virginia Human Rights Act, WV Code §5-11-10.
2. The respondent, Kanawha County Schools, is an employer as defined by WV Code §5-11-1 et seq., and is subject to the provisions of the West Virginia Human Rights Act,
3. The complaint in this matter was properly and timely filed in accordance with WV Code §5-11-10.
4. The Human Rights Commission has proper jurisdiction over the parties and the subject matter of this action pursuant to WV Code §5-11-9 et seq.
5. Complainant has established a prima facie case of race discrimination.
6. The respondent has articulated a legitimate nondiscriminatory reason for its action toward the complainant, which

he complainant has established, by a preponderance of the evidence, to be pretext for unlawful race discrimination.

7. As a result of the unlawful discriminatory action of the respondent, the complainant is entitled to backpay in the amount of \$27,831.19, plus statutory interest.

8. As a result of the unlawful discriminatory action of the respondent, the complainant is entitled to an award of incidental damages in the amount of \$3,277.00 for the humiliation, embarrassment and emotional and mental distress and loss of personal dignity.

9. As a result of the unlawful discriminatory action of the respondent, the Commission is entitled to an award of reasonable costs in the aggregate amount of \$278.10.

D.

RELIEF AND ORDER

Pursuant to the above findings of fact and conclusions of law, it is hereby **ORDERED** as follows:

1. The respondent shall cease and desist from engaging in unlawful discriminatory practices; including discriminating against complainant in future applications for administrative promotions on the basis of his involvement in incidents leading to Coach Young's resignation from Dunbar High School's basketball coaching position or his subsequent filing of the Human Rights case against respondent.

2. Respondent shall hire complainant for the next available administrative opening for which he holds certification.

3. Within 31 days of receipt of this decision, the respondent shall pay to the complainant back pay totaling \$27,831.19.

4. Respondent shall pay front pay to complainant until complainant is awarded an administrative position with respondent.

5. Within 31 days of receipt of this decision, the respondent shall pay to the Commission costs in the amount of \$278.10.

6. Within 31 days of receipt of this decision, the respondent shall pay to complainant incidental damages in the amount of \$3,277.00 for humiliation, embarrassment, emotional distress and loss of personal dignity suffered as a result of respondent's unlawful discrimination.

7. The respondent shall pay ten percent per annum interest on all monetary relief.

8. In the event of failure of respondent to perform any of the obligations hereinbefore set forth, complainant is directed to immediately so advise the West Virginia Human Rights Commission, Norman Lindell, Deputy Director, Room 106, 1321 Plaza East, Charleston, West Virginia 25301-1400, Telephone: (304) 558-2616.

It is so ORDERED.

Entered this 25th day of June, 1996.

WV HUMAN RIGHTS COMMISSION

BY: 

ROBERT B. WILSON
ADMINISTRATIVE LAW JUDGE