



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

November 13, 1985

Belina S. Morton, Esquire
Box 636
Fayetteville, WV 25840

Donald G. Logsdon, Esquire
412 Tennessee Avenue
Charleston, WV 25302

Emily Spieler
Deputy Attorney General
1204 Kanawha Boulevard, E.
Charleston, WV 25301

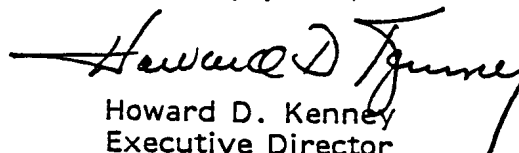
Theodore R. Dues, Jr.
Hearing Examiner
P.O. 5105
Charleston, WV 25361

RE: Henry Smith V. Construction and
General Laborers/Local 1353
Docket No.: ER-268-73

Dear Attorneys:

Enclosed is a copy of the Complainant's order reflecting their desire
in the above referenced case.

Sincerely yours,


Howard D. Kenney
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

WEST VIRGINIA HUMAN RIGHTS COMMISSION

HENRY SMITH,
COMPLAINANT

V.

DOCKET NO.: ER-268-73

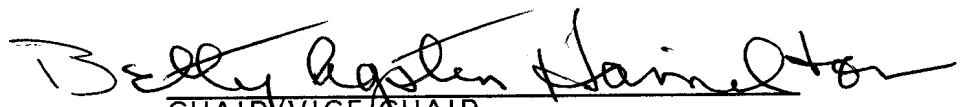
CONSTRUCTION AND GENERAL LABORERS
LOCAL 1353
RESPONDENT.

ORDER

On September 19, 1985, the West Virginia Human Rights Commission reviewed the recommendation of the Hearing Examiner. That recommendation is hereby rejected.

This case shall be reassigned to a Hearing Examiner for a determination of jurisdiction. In the event that the Hearing Examiner finds that the Commission should exercise jurisdiction then this case should then be considered by the Hearing Examiner for consolidation with Henry Smith V Neighborgall Construction Company, ER-267-73 and in the event these cases are consolidated, they should be set for public hearing de novo.

Entered this 22 day of October, 1985.


CHAIR/VICE CHAIR
WEST VIRGINIA HUMAN RIGHTS
COMMISSION