



**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

December 15, 1987

Barbara Trunk  
1302 2nd St.  
St. Mary's, WV 26170

WV Dept. of Health/  
Colin Anderson Center  
Box 106  
St. Mary's, WV 26170

Nora Antlake  
Assistant Attorney General  
State Capitol Bldg. 3  
Room 206  
1800 Washington St. E.  
Charleston, WV 25305

Heidi Kossuth, Esq.  
P.O. Box 1313  
Charleston, wV 25225

RE: Trunk v. WV Dept. of Health/Colin Anderson Center  
EH-346-86

Dear Parties:

Enclosed are two documents related to the above-captioned matter. The first is the order of the commission denying respondent's reconsideration motion. The second is an addendum page reflecting a correction of a typographical error, the omission of a zero, contained on page 2 paragraph 3, of the commission's final order entered on October 28, 1987 related to complainant's incidental damages.

Please substitute this page for the one you previously received.

Sincerely,

A handwritten signature in cursive script that reads "Howard D. Kenney".

Howard D. Kenney  
Executive Director

HDK/mst  
Enclosures

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

BARBARA TRUNK

Complainant,

v.

DOCKET NO. EH-346-86

WV DEPT. OF HEALTH/  
COLIN ANDERSON CENTER  
Respondent.

ORDER  
DENYING RECONSIDERATION MOTION

At its regular December 10, 1987 meeting, the West Virginia Human Rights Commission had before it Respondent's Motion for Reconsideration of its Final Order.

After due consideration, said Motion for Reconsideration is ORDERED denied.

By copy of this Order denying the reconsideration motion, the parties are hereby notified that the original prior order of said Commission, entered on October 28, 1987 is deemed final as of the date of certified service of this order. Accordingly, for the purpose of appeal, the parties have thirty (30) days from receipt of this order to seek judicial review of the original order.

Entered this 15<sup>th</sup> day of Dec, 1987.

RESPECTFULLY SUBMITTED,

BY George Rutherford  
CHAIR/~~VICE~~ CHAIR  
WV HUMAN RIGHTS COMMISSION



**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

October 29, 1987

Barbara Trunk  
1302 2nd St.  
St. Mary's, WV 26170

WV Dept. of Health  
1800 Washington St. E.  
Charleston, WV 25305

Colin Anderson Center  
Box 106  
St. Mary's, WV 26170

Nora Antlake  
Assistant Attorney General  
WV Dept. of Health  
Bldg. 3, RM 206  
Charleston, WV 25305

Heidi Kossuth, Esq.  
P.O. Box 1313  
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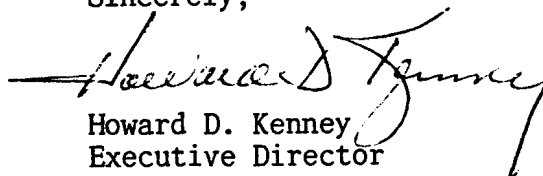
RE: Trunk v. WV Dept. of Health; Colin Anderson Center  
EH-346-86

Dear Parties:

Herewith, please find the final order of the WV Human Rights Commission in the above-styled and numbered case.

Pursuant to WV Code, Chapter 5, Article 11, Section 11, amended and effective April 1, 1987, any party adversely affected by this final order may file a petition for review with the supreme court of appeals within 30 days of receipt of this final order.

Sincerely,

  
Howard D. Kenney  
Executive Director

HDK/mst  
Attachments

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

NOTICE  
OF STATUTORY RIGHT TO JUDICIAL REVIEW  
AMENDED AND EFFECTIVE  
AS OF APRIL 1, 1987

Enr. H. B. 2628]

3

115 this article.

§5-11-11. Appeal and enforcement of commission orders.

1 (a) From any final order of the commission, an  
2 application for review may be prosecuted by either  
3 party to the supreme court of appeals within thirty days  
4 from the receipt thereof by the filing of a petition  
5 therefor to such court against the commission and the  
6 adverse party as respondents, and the clerk of such  
7 court shall notify each of the respondents and the  
8 commission of the filing of such petition. The commis-  
9 sion shall, within ten days after receipt of such notice,  
10 file with the clerk of the court the record of the  
11 proceedings had before it, including all the evidence.  
12 The court or any judge thereof in vacation may  
13 thereupon determine whether or not a review shall be  
14 granted. And if granted to a nonresident of this state,  
15 he shall be required to execute and file with the clerk  
16 before such order or review shall become effective, a  
17 bond, with security to be approved by the clerk,  
18 conditioned to perform any judgment which may be  
19 awarded against him thereon. The commission may  
20 certify to the court and request its decision of any  
21 question of law arising upon the record, and withhold  
22 its further proceeding in the case, pending the decision  
23 of court on the certified question, or until notice that the  
24 court has declined to docket the same. If a review be  
25 granted or the certified question be docketed for  
26 hearing, the clerk shall notify the board and the parties  
27 litigant or their attorneys and the commission of the fact  
28 by mail. If a review be granted or the certified question  
29 docketed, the case shall be heard by the court in the  
30 manner provided for other cases.

31 The appeal procedure contained in this subsection  
32 shall be the exclusive means of review, notwithstanding  
33 the provisions of chapter twenty-nine-a of this code:  
34 *Provided*, That such exclusive means of review shall not  
35 apply to any case wherein an appeal or a petition for  
36 enforcement of a cease and desist order has been filed  
37 with a circuit court of this state prior to the first day  
38 of April, one thousand nine hundred eighty-seven.

39 (b) In the event that any person shall fail to obey a  
40 final order of the commission within thirty days after  
41 receipt of the same. or. if applicable. within thirty days  
42 after a final order of the supreme court of appeals. a  
43 party or the commission may seek an order from the  
44 circuit court for its enforcement. Such proceeding shall  
45 be initiated by the filing of a petition in said court. and  
46 served upon the respondent in the manner provided by  
47 law for the service of summons in civil actions; a hearing  
48 shall be held on such petition within sixty days of the  
49 date of service. The court may grant appropriate  
50 temporary relief. and shall make and enter upon the  
51 pleadings. testimony and proceedings such order as is  
52 necessary to enforce the order of the commission or  
53 supreme court of appeals.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

BARBARA TRUNK,

Complainant,

v.

DOCKET NO. EH-346-86

WV DEPT. OF HEALTH;  
COLIN ANDERSON CENTER,

Respondent.

FINAL ORDER

On the 8th day of October, 1987, the West Virginia Human Rights Commission reviewed the recommended findings of fact and conclusions of law of Hearing Examiner Theodore R. Dues, Jr. in the above-captioned matter. After consideration of the aforementioned and exceptions thereto, the commission does hereby adopt said recommended findings of fact and conclusions of law, as its own, with the following modifications.

The caption of the matter is amended to reflect the proper name of respondent as the West Virginia Department of Health; Colin Anderson Center.

In the subsection titled Findings of Fact on page 3, paragraph enumerated as 10 is deleted.

It is hereby ORDERED that the Hearing Examiner's recommended findings of fact and conclusions of law be attached hereto and made a part of this final order except as amended by this final order.

It is further ORDERED that the settlement agreement reached between the parties and attached hereto, is herein incorporated by reference as part of the final order.

Accordingly, it is finally ORDERED that:

1. Respondent shall cease and desist from unlawfully discriminating against individuals on the basis of handicap in making employment decisions.

2. Respondent shall pay the complainant \$12,523.72 as recompense for wages complainant would have earned but for respondent's discriminatory conduct. Thereafter, until the complainant is reinstated, respondent shall pay and complainant shall accrue backpay at the rate of \$990.90 per month less any interim earnings. Respondent shall pay the complainant interest at the statutory rate of 10% on all monies due her.

3. Respondent shall pay the complainant \$10,00.00 as incidental damages for personal humiliation.

4. Respondent shall reinstate and retroactively credit the complainant with all accrued benefits to which the complainant would have been entitled as a full-time employee, under the West Virginia Employee Benefit Plan, the West Virginia Employee Retirement System and the West Virginia Civil Service System, had she not been discriminated against by respondent.

5. Respondent shall be responsible for any costs incurred in reinstating full employment benefits to complainant, including but not limited to, any premium costs required to be paid due to the interruption in health insurance coverage. However, any retroactive employee contributions due shall be borne and paid by the complainant.

6. Respondent shall provide to the commission proof of compliance with the commission's final order within 35 days of

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6. Respondent shall provide to the commission proof of compliance with the commission's final order within 35 days of



service of said final order by copies of cancelled checks, affidavits or other means calculated to provide such proof.

By this final 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 final order and that they may seek judicial review.

Entered this 28<sup>th</sup> day of October, 1987.

RESPECTFULLY SUBMITTED,

BY Betty C. Hamilton  
CHAIR/VICE CHAIR  
WV HUMAN RIGHTS COMMISSION

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

BARBARA TRUNK,

Complainant,

v.

Docket No. EH-346-86

COLIN ANDERSON CENTER,

Respondent.

EXAMINER'S RECOMMENDED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW

This matter matured for public hearing on the 10th and 18th day of December, 1986. The hearing was held at the Pleasants County Courthouse, County Commissioner's Room, St. Mary's, West Virginia. The hearing panel on each day consisted of Theodore R. Dues, Jr., Hearing Examiner and Jack McComas, Hearing Commissioner.

The Complainant appeared in person and by her counsel, Heidi A. Kossuth. The Respondent appeared by its counsel, Nora Antlake and by its representative, Betty Barron.

After a review of the record, any exhibits admitted in evidence, any stipulations entered into by the parties, any matters for which the Examiner took judicial notice during the proceedings, assessing the credibility of the witnesses and weighting the evidence in consideration of the same, the Examiner makes the following findings of fact and conclusions of law. To the extent that these findings and conclusions are generally consistent to any proposed findings of fact and conclusions of law submitted by the parties, the same are adopted by the

Examiner, and conversely, to the extent the same are inconsistent to the findings and conclusions, the same are rejected.

#### ISSUE

1. The damages to which the Complainant is entitled as a result of the discriminatory conduct of the Respondent.

#### PROPOSED FINDINGS OF FACT

1. The Complainant is a thirty four (34) year old female.

2. The Respondent is a West Virginia Department of Health Facility established for the care and treatment of mentally retarded and developmentally disabled individuals.

3. As is reflected of record in this matter, the parties entered into a settlement agreement on the first day of hearing which resulted in the Respondent conceding liability for unlawful discriminatory practices as the same pertains to the allegations of the complaint in this matter.

4. The provisions of the settlement agreement are hereby incorporated by reference as if the same were more specifically provided herein.

5. In addition, the settlement documents prepared by the parties and submitted to the Examiner are hereby incorporated as an attachment hereto and are a part of the recommended Order by the Examiner.

6. The Complainant testified she injured her left shoulder while on duty on or about July 26, 1983.

7. The Complainant reinjured the left shoulder while on duty August 3, 1984. However, Complainant continued to work, while injured, until November 16, 1984.

8. The Complainant was released to work with restriction to light duty, that is unable to lift 20 pounds or more, by an undated physician's release.

9. Approximately one week following the presentation of the light duty slip to her supervisor, the Complainant was informed by the Personnel Officer that there was no light duty jobs available.

10. In November, 1984, at the time the Complainant commenced her leave of absence she received a gross monthly salary of Nine Hundred Ninty Nine Dollars Ninty Cents (\$999.90).

11. The Respondent's policy, which was subject of the unlawful discriminatory practices, restricted any employee from returning to work unless released without limitation.

12. This policy was withdrawn by the Respondent on August 11, 1986.

13. Pursuant to a recommendation by Vocational Rehabilitation, the Complainant enrolled and is currently attending Mountain State College pursuing a two year Associate Degree in Medical Assisting. This program is being conducted under the approval and direction of the West Virginia Workers' Compensation Fund. All costs for this program is being paid for by the West Virginia Workers' Compensation Fund and all payments made in this regard are being charged to the account of the Respondent with the Workers' Compensation Fund.

14. The Complainant began this program on March 31, 1986.

15. Approximately one week following the presentation of the light duty slip to her supervisor, the Complainant was informed by the Personnel Officer that there were no light duty jobs available.

16. In December, 1985, Complainant received a letter from the Administrator stating that she would be terminated unless she was able to return to her former position.

17. Subsequent to that date, the Complainant had a conversation with the Administrator at the Respondent's place of business, and he advised her that she could not return to work unless she provided a doctor's slip indicating that she was 100 percent released to return to work. As a result of the Respondent's refusal to grant the Complainant light duty or accommodation, the Complainant lost her health insurance coverage.

18. The Complainant's adjusted potential wages from December, 1984, until December, 1986, in the health service classification totaled approximately Twenty Five Thousand Eight Hundred Thirty Seven Dollars and Fifty Cents (\$25,837.50).

19. The Complainant's Workers' Compensation Benefits in the form of temporary total disability payments from November 16, 1984 until November 24, 1986 totaled Thirteen Thousand Three Hundred Thirteen Dollars and Seventy-Eight Cents (\$13,313.78). The estimated total costs of Complainant's tuition and expenses for a two year program in Medical Assisting is Nine Thousand

Dollars (\$9,000.00) and of that, at the time of the hearing, Five Thousand Five Hundred Thirty Five Dollars and Fifty Cents (\$5,535.50) had been paid. At the time the Complainant begins to earn income, her rehabilitation program funds will discontinue.

20. The two year program was a full-time endeavor.

21. The Complainant's decision to train pursuant to a recommendation by the West Virginia Vocational Rehabilitation counselor was reasonable mitigation and consistent to her desire to remain within the medical field.

22. The Complainant was humiliated by the Respondent's conduct in relation to her injury and refusal to allow her return to work.

#### CONCLUSIONS OF LAW

1. The West Virginia Human Rights Commission has jurisdiction over the subject matter and parties herein.

2. The Complainant filed a timely complaint on the basis of handicap with the West Virginia Human Rights Commission in accordance with WVC § 5-11-10.

3. The parties stipulated to the fact that the Complainant is a handicapped person within the meaning of the West Virginia Human Rights Act.

4. The Complainant's enrollment and attendance in the Medical Assisting Program was reasonable conduct under the circumstances and is sufficient to meet the requirement of mitigation imposed upon the Complainant.

5. The Complainant is entitled to back pay in an amount

of Twelve Thousand Five Hundred Twenty Three Dollars and Seventy-Two Cents (\$12,523.72); this represents the difference between gross potential wages the Complainant would have earned had she been allowed to return to work with a light duty slip from her physician and the amount she had received, as of the time of hearing, in Workers' Compensation Benefits. In reaching this determination, the Examiner rejects the proposition by the Respondent that the backpay award should be mitigated by some anticipated future benefits, not specifically of record, for the reason that the same is speculative and otherwise unsubstantiated by the evidence.

6. The Complainant is entitled to damages for personal humiliation in the amount of Ten Thousand Dollars (\$10,000.00). State Human Rights Commission v. Pearlman, 161 W.Va 1, 239 S.E.2d 145 (1977).

7. The Complainant is entitled to full reinstatement of all benefits attendant to her employment, including any insurance coverage, as if the same had never been interrupted. Any additional costs to be incurred as a result of the reinstatement of any employment benefits to which the Complainant would be entitled as an employee is to be borne by the Respondent.

8. Since reinstatement was a part of the settlement agreement reached by the parties, the same will not be specifically addressed herein.

9. The Examiner rejects the proposition of the Complainant for the residual costs of attending the Medical Assisting Program, inasmuch as, the Complainant has been given

opportunity for full employment by the Respondent with all benefits restored. It is understood by the Examiner that the Complainant is being accommodated by the Respondent to the extent necessary for her to complete her schooling. However, it is the Examiner's position that the decision to complete the program is totally within the Complainant's discretion and in light of the settlement agreement's provisions something other than is required to make the Complainant whole.

10. While completing the aforementioned schooling and working at least 20 hours per week, the Complainant shall accrue sick leave and vacation time at the rate of a full time employee; as per the agreement of record between the parties.

#### PROPOSED ORDER

Accordingly it is the recommendation of this Examiner that the Commission issue a final Order as follows:

1. Approving and adopting the provisions of the settlement agreement reached between the parties; including the accrual of time and leave reflected in Examiner's Conclusions of Law paragraph number 10.

2. Award the Complainant compensatory damages for lost wages in the amount of Twelve Thousand Five Hundred Twenty Three Dollars and Seventy-Two Cents (\$12,523.72).

3. Award the Complainant incidental damages for personal humiliation in the amount of Ten Thousand Dollars (\$10,000.00).

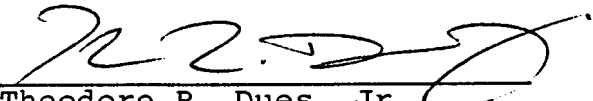
4. Direct that the Respondent be responsible for any costs incurred in reinstating the Complainant to her full



employment benefits, including any premium costs required to be paid due to the interruption in health insurance coverage realized as a result of the Respondent's discriminatory conduct.

DATED: August 12, 1987

ENTER:

  
Theodore R. Dues, Jr.  
Hearing Examiner

**CERTIFICATE OF SERVICE**

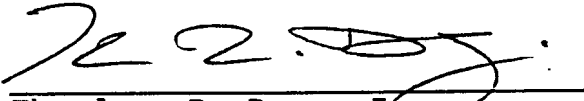
I, Theodore R. Dues, Jr., Hearing Examiner, hereby swear and say that I have served a true and exact copy of the foregoing EXAMINER'S RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW upon the following:

Thomas L. Hinds, Esq.  
Deputy Attorney General  
812 Quarrier Street  
Fourth Floor, L & S Bldg.  
Charleston, WV 25301

and

Nora Antlake, Esq.  
Assistant Attorney General  
Room E-26, State Capitol  
Charleston, WV 25305

by mailing the same by United States Mail on this 17<sup>th</sup> day of August, 1987.

  
Theodore R. Dues, Jr.  
Hearing Examiner

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

Barbara Trunk,

Complainant,

v.

Docket Number EH-346-86

Colin Anderson Center,

Respondent,

LIABILITY SETTLEMENT AGREEMENT

A complaint having been filed under the West Virginia Human Rights Act, as amended, with the West Virginia Human Rights Commission by Barbara Trunk (hereinafter "complainant") against Colin Anderson Center (hereinafter "respondent") now the same being styled Docket Number EH-346-86 and respondent has denied and continues to deny the liability allegations set forth and the liability charges made by complainant in those administrative proceedings; and complainant and respondent now desire to settle and resolve the liability issues in this matter and provide for the dismissal with prejudice of the portion of these administrative proceedings based upon liability, and to effect the release and discharge of the liability claims described in the Release of Liability Claims identified as Exhibit A. Complainant and respondent agree that all allegations and charges for damages made by complainant in these administrative proceedings remain before the West Virginia Human Rights Commission and are not encompassed or incorporated into this Liability Settlement Agreement.

Bifurcated proceedings were had and testimony adduced in this matter before the West Virginia Human Rights Commission in the County Commissioner's Room, Pleasants County Courthouse, St. Mary's, West Virginia, on the 10th and 17th days of December, 1986, before Theodore R. Dues, Jr., Hearing Examiner and Jack McComas, Hearing Commissioner. Complainant's liability claims and allegations in this matter were resolved and placed on the record during the proceedings had on the 10th of December, 1986. Complainant's damage claims and allegations in this matter were brought before Hearing Examiner, Theodore R. Dues, Jr., on the 16th of December, 1986, through witness testimony and documentary evidence on the record.

NOW THEREFORE, the parties agree concerning the settlement of liability claims as follows:

1. The parties agree that respondent shall provide and complainant shall accept a Clerk I or Clerk II position at Colin Anderson Center.

2. Respondent agrees to compensate complainant at the rate of pay she received immediately previous to her leave of absence as a Health Service Worker II, including incremental pay increases complainant would have received had she continued in her employment at Colin Anderson Center.

3. Complainant clearly understands that being employed at Colin Anderson Center in the position of Clerk I or Clerk

II constitutes a nonprejudicial demotion of her employment through the Civil Service System.

4. Respondent agrees to arrange a flexible work schedule for complainant. This flexible work schedule shall adequately accommodate complainants class schedule at Mountain State College. This flexible work schedule shall consist of not less than twenty (20) hours of scheduled work each and every week for complainant at Colin Anderson Center. Respondent agrees that the flexible work schedule for complainants shall be designed to enable complainant to attend Mountain State College while working not less than twenty (20) hours of scheduled work each and every week at Colin Anderson Center.

5. With the exception of the current 1987 school term, which commenced in January, 1987, complainant shall notify her immediate supervisor at Colin Anderson Center one (1) month in advance of each of her new school terms' class schedule. Upon receiving notice of complainant's anticipated class schedule at Mountain State College, complainant's immediate supervisor shall arrange complainant's work schedule to permit complainant's continued regular attendance at Mountain State College.

6. If at any time during the time period of January 1, 1987, through December 31, 1988, complainant for any reason, is not enrolled as a student in the Medical Assisting Program of study at Mountain State College, she shall notify

her immediate supervisor at Colin Anderson Center. Should complainant no longer be enrolled in the Medical Assisting Program or her time of completion extends beyond December, 31, 1988, respondent's obligation to provide complainant with a flexible work schedule shall terminate.

7. Complainant's seniority at Colin Anderson Center shall be restored in accordance with civil service regulations.

8. Complainant also agrees to dismiss with prejudice to the complainant those certain matters pending before the West Virginia Human Rights Commission concerning the liability of respondent as being fully compromised, settled and agreed and further agrees not to institute any future action against respondent in regard to the liability issues of the foregoing. Complainant does not surrender or agree to compromise her claim for damages in those certain matters now pending before the West Virginia Human Rights Commission.

9. Each party agrees to bear its own costs and attorneys' fees.

10. The parties agree to cause a Dismissal Order in the form as Exhibit B to be entered by the West Virginia Human Rights Commission, as soon as possible after the execution of the Liability Settlement Agreement and Release of Liability Claims.

11. Complainant, Barbara Trunk acknowledges that she has read the foregoing Liability Settlement Agreement and attached Release of Liability Claims carefully; that she is familiar with their contents; and that she has been represented by counsel in connection with the review and execution thereof.

Barbara Trunk  
BARBARA TRUNK, Complainant

Heidi A. Kossuth  
HEIDI A. KOSSUTH  
ASSISTANT ATTORNEY GENERAL  
Counsel for West Virginia  
Human Rights Commission on  
behalf of BARBARA TRUNK,  
Complainant

Terry Smith Ed. D.  
TERRY SMITH, Ed. D. 12/3  
On behalf of Respondent

Nora M. Antlake  
NORA M. ANTLAKE  
ASSISTANT ATTORNEY GENERAL  
Counsel for Colin Anderson  
Center, Respondent

RELEASE OF LIABILITY CLAIMS

WITNESSETH, That I, Barbara Trunk, complainant, for and in consideration more fully described in the Liability Settlement Agreement executed by Colin Anderson Center and myself, the receipt and sufficiency of which actions I do hereby acknowledge, for myself, my masters, principals, agents, heirs, administrators, executors, successors and assigns, hereby release, acquit and discharges Colin Anderson Center, its masters, servants, principals, agents, employees, subsidiaries, parent and affiliated corporations, successors and assigns, of and from claims or causes of action concerning liability arising under the West Virginia Human Rights Act forming the basis of that certain action pending before the West Virginia Human Rights Commission, styled Barbara Trunk v. Colin Anderson Center, Docket Number EH-346-86.

In further consideration of the aforesaid agreement, I Barbara Trunk, complainant, do hereby agree to dismiss with prejudice to myself the portion of this action concerning liability claims before the West Virginia Human Rights Commission. Complainant does not agree to dismiss pending claims for damages before the West Virginia Human Rights Commission.

In further consideration of the aforesaid, I Barbara Trunk, also release, acquit and discharge respondent, its masters, servants, principals, agents, employees, subsidiaries, parent or affiliated corporation of and from any liability claim.



IT IS UNDERSTOOD AND AGREED that the previously described agreement is made as a matter of compromise of disputed claims for liability and does not encompass complainant's continuing claims for damages in this matter.


I, Barbara Trunk, complainant, do hereby certify that I have read the foregoing Release of Liability Claims, or have had the same read to me, and that I fully and completely understand and comprehend the meaning, purpose and effect thereof.

IN WITNESS WHEREOF, I have affixed hereto my signature acknowledging my release in full all claims described herein on this 10 day of July, 1987.

  
BARBARA TRUNK, Complainant

WITNESS:

---

  
HEIDI A. KOSSUTH  
ASSISTANT ATTORNEY GENERAL  
Counsel for Human Rights  
Commission on behalf of  
BARBARA TRUNK, Complainant

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

Barbara Trunk,

Complainant,

v.

Docket Number EH-346-86

Colin Anderson Center,

Respondent.

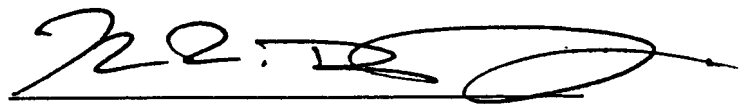
PROPOSED ORDER AND DECISION

This matter is before me pursuant to the Liability Settlement Agreement reduced to writing, signed and submitted by the parties, and settlement appearing to be proper and adequate, and there being no apparent evidence of fraud, duress, coercion, or other unconscionable conduct;

THE Hearing Examiner hereby recommends that the Commission take the following action:

1. Approve the Liability Settlement Agreement submitted by the parties; and
2. Dismiss the liability claims concerning the above-captioned complaint with prejudice.

ENTERED THIS 11 day of <sup>August</sup> ~~July~~, 1987.

  
THEODORE R. DUES, JR.  
HEARING EXAMINER

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

BARBARA TRUNK,

Complainant,

v.

Docket Number EH-346-86

COLIN ANDERSON CENTER,

Respondent.

DISMISSAL ORDER

This day come the complainant, Barbara Trunk, by Assistant Attorney General Heidi A. Kossuth for the West Virginia Human Rights Commission, and came the respondent, Colin Anderson Center, by Assistant Attorney General, Nora Antlake, and announced that the matters concerning liability in controversy between the parties have been amicably settled. Therefore, the parties desire that the liability portion of this case be dismissed with prejudice.

WHEREUPON, the Commission, after examining the liability settlement agreement and finding the same to be fair and equitable, does hereby ORDER the liability portion of this case be dismissed with prejudice and that a copy of this Order be sent to each of the parties. It is further ORDERED that the liability portion of this case be closed, and each party bear its own costs and attorneys' fees.

ENTERED this 8<sup>th</sup> day of October,  
1987.

George Brutherford  
CHAIRMAN, WEST VIRGINIA HUMAN  
RIGHTS COMMISSION

Approved for Entry:

Heidi A. Kossuth  
HEIDI A. KOSSUTH  
ASSISTANT ATTORNEY GENERAL for  
West Virginia Human Rights Commission  
1204 Kanawha Boulevard, East  
Charleston, West Virginia 25301

Nora M. Antlake  
NORA M. ANTLAKE  
ASSISTANT ATTORNEY GENERAL for  
Colin Anderson Center