



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

May 8, 1986

Barbara Jo Fleischauer, Esq.
258 McGara Street
Morgantown, WV 26505

Robert L. Holland, Jr.
105 High Street
West Union, WV 26456

Paul Stone
Chief Administrative Law Judge
P. O. Box 2828
Charleston, WV 25330

RE: Grace P. Ash V Doddridge County Board of Education
Docket No.: EA-258-84, ES-259-84

Dear Ms. Fleischauer, Mr. Holland and Mr. Stone:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Grace P. Ash V Doddridge County Board of Education/Docket No.: EA-258-84, ES-259-84.

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,

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

Howard D. Kenney
Executive Director

HDK/kpv
Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

GRACE P. ASH,

Complainant,

vs.

Docket No. EA-258-84, ES-259-84

DODDRIDGE COUNTY BOARD
OF EDUCATION,

Respondent.

O R D E R

On the 8th 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 not adopt the Findings of Fact and Conclusions of Law as its own, for the reasons set forth below.

The Commission is of the opinion that the evidence presented by the complainant was sufficient to establish a prima facie case of discrimination on the basis of disparate treatment in employment and therefore the Hearing Examiner erred in granting respondent's motion to dismiss. However, the respondent failed to put on a defense in reliance upon the Hearing Examiner's granting its motion to dismiss. Therefore, in order to assure due process of law for all parties the case must be remanded to allow the respondent an opportunity to present its defense.

It is therefore ORDERED that the case be remanded for assignment to a Hearing Examiner to conduct further proceedings in conformity with 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, 1986.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Betty Hamilton", written over a horizontal line.

CHAIR/VICE-CHAIR
WEST VIRGINIA HUMAN
RIGHTS COMMISSION