STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION
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CERTIFIED MAIL
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July 23, 1999

Larry R. Thompson
PO Box 21
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Janie O. Peyton
Assistant Attorney General
Civil Rights Division
812 Quarrier St.
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Charleston, WV 25326-1789

Compton Lanes, Inc.
PO Box 437
Bridgeport, WV 26330
ATTN: R. Eugene Compton, President

Gregory Morgan, Esq.
Young, Morgan & Cann, PLLC
Suite One, Schroath Bldg.
229 Washington Ave.
Clarksburg, WV 26301

Re: Thompson v. Compton Lanes, Inc.
EH-317-96

Dear Parties:

Enclosed, please find the **Final Decision** of the undersigned administrative law judge in the above-captioned matter. Rule 77-2-10, of the recently promulgated Rules of Practice and Procedure Before the West Virginia Human Rights Commission, effective July 1, 1990, sets forth the appeal procedure governing a final decision as follows:

"§77-2-10. Appeal to the commission.

10.1. Within thirty (30) days of receipt of the administrative law judge's final decision, any party aggrieved shall file with the executive director of the commission, and serve upon all parties or their counsel, a notice of appeal, and in its discretion, a petition setting forth such facts showing the appellant to be aggrieved, all matters alleged to have been erroneously decided by the judge, the relief to which the appellant believes she/he is entitled, and any argument in support of the appeal.

10.2. The filing of an appeal to the commission from the administrative law judge shall not operate as a stay of the decision of the administrative law judge unless a stay is specifically requested by the appellant in a separate application for the same and approved by the commission or its executive director.

10.3. The notice and petition of appeal shall be confined to the record.

10.4. The appellant shall submit the original and nine (9) copies of the notice of appeal and the accompanying petition, if any.

10.5. Within twenty (20) days after receipt of appellant's petition, all other parties to the matter may file such response as is warranted, including pointing out any alleged omissions or inaccuracies of the appellant's statement of the case or errors of law in the appellant's argument. The original and nine (9) copies of the response shall be served upon the executive director.

10.6. Within sixty (60) days after the date on which the notice of appeal was filed, the commission shall render a final order affirming the decision of the administrative law judge, or an order remanding the matter for further proceedings before an administrative law judge, or a final order modifying or setting aside the decision. Absent unusual circumstances duly noted by the commission, neither the parties nor their counsel may appear before the commission in support of their position regarding the appeal.

10.7. When remanding a matter for further proceedings before an administrative law judge, the commission shall specify the reason(s) for the remand and the specific issue(s) to be developed and decided by the judge on remand.

10.8. In considering a notice of appeal, the commission shall limit its review to whether the administrative law judge's decision is:

10.8.1. In conformity with the Constitution and laws of the state and the United States;

10.8.2. Within the commission's statutory jurisdiction or authority;

10.8.3. Made in accordance with procedures required by law or established by appropriate rules or regulations of the commission;

10.8.4. Supported by substantial evidence on the whole record; or

10.8.5. Not arbitrary, capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

10.9. In the event that a notice of appeal from an administrative law judge's final decision is not filed within thirty (30)

days of receipt of the same, the commission shall issue a final order affirming the judge's final decision; provided, that the commission, on its own, may modify or set aside the decision insofar as it clearly exceeds the statutory authority or jurisdiction of the commission. The final order of the commission shall be served in accordance with Rule 9.5."

If you have any questions, you are advised to contact the executive director of the commission at the above address.

Yours truly,

Robert B. Wilson
Administrative Law Judge

RBW/mst

Enclosure

cc: Norman Lindell, Deputy Director

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

LARRY R. THOMPSON,

Complainant,

v. DOCKET NUMBER: EH-317-96

COMPTON LANES, INC.,

Respondent.

FINAL DECISION

A public hearing, in the above-captioned matter, was convened on May 20, 1999, in Harrison County, in Conference Room 301 at the Department of Employment Services, 153 West Main Street, Clarksburg West Virginia, before Robert B. Wilson, Administrative Law Judge.

The complainant, Larry R. Thompson, appeared in person and by counsel for the West Virginia Human Rights Commission, Janie O'Neal Peyton, Assistant Attorney General with the Office of the West Virginia Attorney General, Civil Rights Division . The respondent, Compton Lanes, Inc., appeared by its representative, Richard Eugene Compton, President, and by its counsel, Gregory A Morgan, with the firm of Young, Morgan & Cann PHC.

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 necessary to a proper decision. To the extent that the testimony of the various witnesses is not in accord with the findings stated herein, it is not credited.

A.

FINDINGS OF FACT

1. The complainant, Larry R. Thompson is a person with a disability within the meaning of the West Virginia Human Rights Act, W. Va. Code § 5-11-3 et seq. Joint Exhibit No. 1, Stipulation of Fact No. 1.

2. There is some dispute whether the respondent Compton Lanes, Inc. is a "person" and an "employer" within the meaning of the West Virginia Human Rights Act, W. Va. Code § 5-11-3; as there is a question of fact and of law regarding whether respondent employed 12 persons at the time of the alleged acts of discrimination.

3. Complainant has a congenital bilateral hearing impairment that is sever to profound. Joint Exhibit No. 1, Stipulation of Fact No. 2.

4. At the time respondent terminated complainant's employment, the complainant was a member of a protected class under the West Virginia Human Rights Act, due to his severe hearing impairment. Joint Exhibit No., Stipulation of Fact No. 3.

5. At all relevant times, Ortha Compton remained owner of Compton Lanes, Inc. Joint Exhibit No. 1, Stipulation of Fact No. 4.

6. At the time of complainant's termination, Richard Eugene Compton was President of Compton Lanes, Inc and Robert Mitchell was vice-president. Joint Exhibit No.1, Stipulations Nos. 5 and 6.

7. The respondent was aware that complainant was a person with a hearing impairment when it hired complainant approximately thirty years ago. Joint Exhibit No. 1, Stipulation of Fact No. 7.

8. The respondent was aware that complainant had a hearing impairment when it terminated him on June 26, 1995. Joint Exhibit No. 1, Stipulation of Fact No. 8.

9. At the time respondent terminated complainant, he earned $5.50 per hour and respondent provided health insurance benefits to its employees including complainant , in the amount of $441.00 per month. Joint Exhibit No. 1, Stipulations of Fact Nos. 9 and 10.

10. Complainant left respondent's premises during his work hours at least once between January 1, 1994 and June 26, 1995. Joint Exhibit No. 1, Stipulation of Fact No. 11.

11. Cynthia Nardelli, a certified audiologist, is qualified as an expert witness to testify to the nature and scope of complainant's hearing impairments and appropriate accommodations for his disability. Joint Exhibit No. 1, Stipulation of Fact No. 12.

12. Complainant filed a timely complaint under the West Virginia Human Rights Act, alleging discrimination against him on the basis of handicap in his termination from employment on June 26, 1995, and, in failing to provide ancillary devices which would enable him to perform his job. The original complaint was filed on March 27, 1996 and the amended complaint filed September 16, 1996. Amended Complaint, West Virginia Human Rights Commission Docket Books.

13. As of the date of complainant's termination of employment on June 26, 1995, respondent employed ten persons including the corporate officers and managers: R. Eugene Compton, President, Robert H. Mitchell, Vice President, Jonathan Compton, Night Manager, Joe Keener, Desk Clerk (with some management responsibility on night shift),Gay Bartlett, Debra Barnosky, Stacy Golden, Larry Thompson, complainant, Ronald Godfrey and Jeff Butcher. This is indicated by the time sheets for the week of June 22-28, 1995 and the credible testimony at public hearing. Although counsel for the Commission urges the undersigned to disregard this testimony in favor of other testimony in the deposition of the witness, the undersigned finds the deposition testimony to be less informed and more confused in its nature in regards to this matter, while the testimony at public hearing was uncontroverted as to the number of employees employed during the summer by respondent. Respondent employs fewer employees during the summer than at other times during the year. Tr. Pages 166 and 168, Respondent's Exhibit No. 5.

14. The respondent is a bowling alley employing approximately 15 employees during its busiest 1994-1995 bowling season. (When the leagues compete). Some workers are not scheduled to work during the summer months when league play is not scheduled. These employees are not fired but are rather called at the end of the summer and asked if they wish to resume work without having to reapply if they continue to wish to work for respondent when league play resumes in August. Fourteen of the employees that worked most of 1994 were rehired and worked most of 1995 according to the W-2s. Tr. Pages 166, 183 and 186, Complainant's Exhibit No. 3.

15. After 1987, when Ortha Compton retired, Richard Compton and Robert Mitchell worked essentially during the hours of 8:00 a.m. until 4:00 p.m. The complainant was the

assistant mechanic whose shift began at 5:00 p.m. Tr. Pages 177 and 207.

16. In 1994 and 1995, Jonathan Compton was the night manager for respondent. Tr. Page 234.

17. Joe Keener was hired in 1994 to replace David Frye as front desk man. Tr. Page 171.

18. As front desk man, Joe Keener had supervisory responsibilities. Mr. Keener had authority to grant workers time-off and to find substitute workers. Tr. Pages 175 and 177.

19. Mr. Keener was identified as a party representative who was not to be contacted by counsel for the Commission pursuant to Rule 4. Joint Stipulation of Authenticity and Admissibility No. 3, Respondent's Answers to Commission's First Set of Interrogatories and Request for Production of Documents.

20. Ms. Carol Golden was a patron of respondent and bowled in various leagues between 1994 and 1995. She testified credibly that she personally observed Joe Keener at the front desk telling complainant to do something while the complainant's back was turned to him and he was unable to hear Mr. Keener; that this had occurred on several occasions; and that she had said to Mr. Keener on one such occasion; "... Joe you either have to speak loud enough for him to hear you or you have to talk to him so he can read your lips. I said he can't hear you. He said I don't care. He said I don't like him. He's stupid; he's lazy and I want him out of here and after that I didn't say anything to Joe anymore." Tr. Pages 114 and 115.

21. Complainant worked with Jonathan Compton and Joe Keener on the night shift. Tr. Page 178.

22. Jonathan Compton and Joe Keener complained to Robert Mitchell and Richard Compton about complainant's work performance. Tr. Pages 221, 248 and 249.

23. The only persons who participated in the decision to discharge complainant in June 1995, were R. Eugene Compton and Robert Mitchell. Tr. Page 147.

24. Gene Compton testified credibly that complainant didn't take orders well and generally didn't follow long established work schedules and procedures which complainant was familiar with; including failing to clean ball returns at the scheduled times, failing to clean filters on air cleaners which he was to do every Monday evening, being in front areas of the bowling center speaking with customers when he should be in his assigned work area ready to respond to problems with lanes, pinsetting machines and ball returns. Complainant further had his minor son with him in proximity to the bowling machinery after specifically being instructed not to do so for safety and liability reasons. Tr. Pages 153-157, and 160.

25. Mr. Mitchell was observing when he arrived the next day he found that, complainant routinely left pinsetting machines jammed, lanes improperly cleaned, the lane conditioning machinery not properly run and not properly cleaned after use, requiring Mr. Mitchell to perform these tasks upon his arrival. Complainant further failed to repair pinsetting machines and to install replacement parts for such machines, after being specifically instructed to do so by Mr. Mitchell. Tr. Pages 194, 202 and 207.

26. Jonathan Compton, the Night Manager, observed complainant's work and was not pleased. He testified credibly that complainant chronically failed to perform duties including: failing to maintain the inventory in the on-site vending machine; failing to maintain the bowling lanes; and failing to clean and maintain the filters in the air cleaning machine. Jonathan Compton testified that his response was to take certain work away from complainant and simply do it himself as well as to advise his superiors of his dissatisfaction. Tr. Pages 236 and 237.

27. Both Eugene Compton and Robert Mitchell had numerous discussions with complainant regarding individual tasks which were either not performed or not done properly and warnings were given that failure to improve would mean termination. Complainant even acknowledged these verbal warnings in his deposition but then denied them at hearing before admitting to one or two such conversations at hearing. Complainant's testimony was not credible on this point. Tr. Pages 62-65, 161 and 201.

28. Complainant would respond to these discussions by agreeing to improve and then drive out to see Ortha Compton and complain to him; he responded to one such conversation with Mr. Mitchell by stating, "What are you going to do, fire me?" Tr. Pages 162 and 203.

29. Complainant knew his routine assigned tasks because they were posted on the maintenance schedule of the tool room. Complainant admitted that he was instructed not to run the lane conditioning machine any longer because he was not keeping it clean. Complainant was aware of the need to rotate the stack in the vending machine because Jonathan Compton wrote him a note containing an expletive that told him to do so. Tr. Pages 52-53; Respondent's Exhibit Nos. 2 and 3; Complainant's Exhibit No. 4.

30. Complainant never requested any tool or appliance that might have helped him at his job. Tr. Page 56.

31. Cynthia Nardelli, certified audiologist, testified credibly that complainant's hearing is so bad that it is vital that he be able to read lips as much as possible. Respondent could have accommodated complainant by instructing its employees to look him in the face when speaking to him, and to speak slowly and clearly, enunciating each word. The respondent could have accommodated his disability by writing out his instructions as his current supervisor, Tony

Cerrullo does; or by having him repeat back what was just said. Tr. Pages 90, 92 and 131.

32. The undersigned finds as matter of fact and of law that these accommodations were not required to be requested by complainant because they were already known to respondents employees and managers, and that they in many instances employed one or another of those techniques; thus to the extent any failure by its management personnel interfered with complainant's ability to perform essential duties of his job, respondent is liable for such failure.

33. The record indicates that when Mr. Keener was up front he would give instructions to complainant by phone to tell him what problems needed to be fixed while people were bowling. Tr. Page 223.

34. Although Mr. Keener testified that he had no management responsibilities, his testimony in this regard was not credible. He testified that when he became aware that complainant had left one night, he knew he was to take care of that stuff. Mr. Keener indicated further that he would on occasion be requested to tell complainant to do things by those who were complainant's supervisor. Tr. Pages 216 and 219. See Findings of Fact 18 and 19.

B.

DISCUSSION

This case was brought and tried primarily as one on the basis of the termination of the complainant from employment with the respondent after some thirty years of working for the respondent. In bringing this case, the initial inquiry is whether or not the respondent met the definition of employer at the time of the act of discrimination. That act was the termination

which occurred on June 26, 1995. Regardless of whether the respondent waited for the slow season to terminate complainant, the fact remains that was the date on which the termination occurred. For the reasons outlined in the findings of fact it is the undersigned's firm conviction that the respondent did not employ twelve or more people for the period of June through mid August as that is the respondent's slow season.

The Commission's counsel urges that even given such a finding that the undersigned should not apply the West Virginia Supreme Court's holding in Williamson v. Greene, 200 W.Va. 421, 490 S.E.2d 23 (1997), wherein the Court held that the statute as in effect at the time of the alleged discrimination in this case required that the respondent employ twelve persons at the time of the acts giving rise to the discrimination claim. The undersigned specifically rejects the argument that this is a retroactive application of the holding in that case overturning established precedent based upon prior holdings in Administrative proceedings that took a more expansive view of the coverage, that the respondent need only have employed twelve persons at any time during the year preceding the alleged discrimination. In West Virginia the only clear precedent would be reported decisions of the West Virginia Supreme Court, the statutes themselves, and regulations interpreting those statutes. Arguably, it might also include any other published decisions and published Opinions of the Attorney General. As the cases cited by the Commission's counsel are not published anywhere, and as the holding in Williamson clearly articulated the view of the West Virginia Supreme Court as to the jurisdictional requirement in effect under the statute at the time of complainant's termination, it is the undersigned's opinion that there is no jurisdictional basis to hear the claim for termination of the complainant from employment. Recognizing that some other appellate tribunal may disagree the undersigned will

nevertheless undertake a finding of fact and conclusion of law on the termination issue as if jurisdiction did exist.

The counsel for the Commission takes great pains to point out that each witness for the respondent denied that complainant could have misunderstood directions which were given to him. This contention is clearly untrue in light of Ms. Nardelli's testimony regarding the severity of complainant's hearing loss. Nevertheless, it is also clear that the complainant was clearly aware of many of the duties required of him and simply refused to perform them. Many of these duties were regularly scheduled duties; others were given to complainant verbally but in such circumstances and by individuals that knew complainant, often for thirty years or all their lives, that they knew complainant both heard and understood those directions. Frequently such verbal instructions involved matters that were repeatedly discussed with the complainant. For this reason one has to take the comment of Jonathan Compton the night manager within the context in which it was made, when he stated that the complainant heard what he wanted to hear. In determining which side to believe, it is up to the factfinder to assess the credibility of witnesses and the persuasiveness of the evidence. He is free to believe one witness and disbelieve another if he finds that the latter's testimony lacked credibility. Westmoreland Coal Co. V. West Virginia Human Rights Commission, 182 W.Va. 368, 382 S.E.2d 562, 567, n.6 (1989). In assessing the credibility of the witnesses the undersigned finds that both Gene Compton and Jonathan Compton were extremely credible witnesses, as was Mr. Mitchell. Their demeanor was such that they did not appear to have any animosity toward complainant due to his hearing impairment or any unwillingness to work with complainant to help him perform the essential functions of his job. It is quite clear to the undersigned that their frustration had more to do with

the complainant's outright refusal to do what was required of him in his duties. Perhaps complainant did not like those duties, perhaps he wanted to return to work conditions under Ortha Compton, perhaps he didn't like taking direction from a young college graduate who he didn't like or respect. It is clear however that he simply didn't do what the current management of respondent demanded of him in his job. In making this determination it must be said that the complainant's testimony was credible as well, the fact of the matter is that he never really disputed that he failed to do what he was asked to do, nor did he claim that respondent was asked to do anything at all to accommodate his hearing loss which the respondent failed to do. Thus it is the finding of the undersigned that, even were there jurisdiction to decide this case on the termination issue, the respondent has met its ultimate burden of proving that it would have terminated the complainant from employment even absent any effect of a failure to accommodate complainant's hearing loss.

In order to make out a prima facie case of employment discrimination the complainant must offer proof of the following:

(1) That the plaintiff is a member of a protected class;

(2) That the employer made an adverse decision concerning the plaintiff; and,

(3) But for the plaintiff's protected status, the adverse decision would not have been made. Conaway v. Eastern Associated Coal Corp., 358 S.E.2d 423 (W. Va. 1986).

The respondent has articulated a legitimate non discriminatory reason for its decision to terminate his employment and the Commission has failed to prove that those reasons were pretextual in any way.

There is another issue raised by complainant, however, which although not the main

focus of the parties deserves some attention. That is the claim of failing to accommodate his hearing loss. Just as the respondent clearly did not have twelve employees at the time of its termination of complainant, it clearly did and does regularly employ that many persons during its busy season from the end of August through May. Thus, the undersigned finds jurisdiction exists to determine this aspect of the complainant's case.

To state a claim for breach of the duty of reasonable accommodation under the West Virginia Human Rights Act, W. Va. Code, 5-11-9 (1992), a plaintiff must allege the following elements: (1) The plaintiff is a qualified person with a disability; (2) the employer was aware of the plaintiff's disability; (3) the plaintiff required an accommodation to perform the essential functions of a job; (4) a reasonable accommodation existed that met the plaintiff's needs; (5) the employer knew or should have known of the plaintiff's need and of the accommodation; and (6) the employer failed to provide the accommodation. Skaggs v. Elk Run Coal, Inc., 198 W.Va. 51, 479 S.E.2d 561, Syl. Pt. 2 (1996). The respondent has conceded that the complainant is a qualified person with a disability. The respondent knew of the complainant's disability and that he needed accommodation as respondent in fact made several modifications to facilitate his ability to perform the essential functions of his job long before any law required them to do so. In addition the respondent's management was well aware of the complainant's hearing loss and should have been well acquainted with what steps needed to be taken to assure that he was hearing and understood verbal communications with him. The undersigned finds as a matter of fact that the respondent in fact failed to provide that reasonable accommodation to complainant, of speaking directly to him and enunciating clearly so that he could read lips when being spoken to by the respondent's employees. Although many or most of the key management employees

probably did so, it is my finding based both on the direct testimony of one witness and upon the demeanor of Mr. Keener during his testimony, that he had hostility toward the complainant which in fact manifested itself in the form of failing to speak distinctly and clearly to the complainant so that he could see his lips, when addressing complainant while complainant was up in the front area of the bowling alley. Even were Mr. Keener not a management employee of respondent, it is nevertheless clear from the overall record that the desk man would frequently be the one who would have to communicate to complainant when troubles arose which required his attention. Those troubles which would be so communicated were at the core of the essential functions of complainant's job. They clearly had an everyday impact on the performance of his job functions and clearly the failure of Mr. Keener to accommodate complainant's hearing impairment interfered with complainant's ability to do his job. In the classic failure to accommodate case, the context is one where the person with the impairment is unable to be hired or is let go because the job is not done. In the instant situation, clearly the frequency of the actions of Mr. Keener, and what was very obvious from his demeanor while testifying, his outright hostility toward complainant, clearly would have created a situation that arises to that of a hostile workplace.

The undersigned finds that complainant is entitled to an award of incidental damages in the amount of $3,277.45, for humiliation, embarrassment and emotional and mental distress and loss of personal dignity. Pearlman Real Estate Agency v. West Virginia Human Rights Commission, 161 W. Va. 1, 239 S.E.2d 145 (1977). A cap on incidental awards for a non jury trial is set at $3,277.45 in cases before the Human Rights Commission as adjusted to conform to the consumer price index pursuant to the West Virginia Supreme Court's decision in Bishop

Coal Company v. Salyers, 181 W. Va. 71, 380 S.E.2d 238 (1989).

C.

CONCLUSIONS OF LAW

1. The complainant, Larry R. Thompson, is an individual aggrieved by an unlawful discriminatory practice, and is a proper complainant under the West Virginia Human Rights Act, W. Va. Code § 5-11-10.

2. The respondent, Compton Lanes, Inc., is not an employer as defined by W. Va. Code § 5-11-1 et seq., and is not subject to the provisions of the West Virginia Human Rights Act, at the time of the action of respondent in terminating complainant from employment; but is an employer and subject to the provisions of the West Virginia Human Rights Act for other periods of time involving an ongoing failure to accommodate claim.

3. The complaint in this matter was properly and timely filed in accordance with W. Va. Code § 5-11-10.

4. The Human Rights Commission has proper jurisdiction over the parties and the subject matter of this action pursuant to W. Va. Code § 5-11-9 et seq.

5. The complainant has established a prima facie case of discrimination for failure to accommodate a handicap.

6. The respondent has articulated a legitimate non discriminatory reason for its action toward the complainant, in terminating the complainant from employment in that he failed to perform assigned duties, which the Commission has failed to prove was pretextual. The Complainant has met his ultimate burden of persuasion that respondent failed to accommodate his profound hearing loss by speaking directly to complainant so that he could understand what

was being said, which failure by the front desk man, resulted in the inability of complainant to perform the essential functions of his job and created a hostile work environment for complainant.

7. 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 $3,277.45 for the humiliation, embarrassment and emotional and mental distress and loss of personal dignity.

8. 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 $1,040.62 as itemized in Exhibit C of the Commission's Proposed Findings of Fact and Conclusions of Law and Memorandum of Law.

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.

2. Within 31 days of the receipt of this decision, the respondent shall pay the complainant incidental damages in the amount of $3,277.45 for humiliation, embarrassment, emotional distress and loss of personal dignity suffered as a result of respondent's unlawful discrimination.

3. The respondent shall pay ten percent per annum interest on all monetary relief for humiliation, embarrassment, emotional distress, and loss of personal dignity.

4. Within 31 days of the receipt of this decision the respondent shall pay the Commission's reasonable costs in the amount of $1,040.62.

5. In the event of failure of the 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, 1321 Plaza East, Room 108-A, Charleston, West Virginia 25301-1400, Telephone: (304) 558-2616.

It is so **ORDERED**.

Entered this 23rd day of July, 1999.

WV HUMAN RIGHTS COMMISSION

BY: _____
ROBERT B. WILSON
ADMINISTRATIVE LAW JUDGE