



COPY

STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION
215 PROFESSIONAL BUILDING
1036 QUARRIER STREET
CHARLESTON, WEST VIRGINIA 25301
TELEPHONE: 304-348-2618

ARCH A. MOORE, JR.
Governor

May 24, 1985

Sam Bria
Box 3
Smithers, West Virginia 25186

Dwane Tinsley,
Assistant Prosecuting Attorney
Fayette County
108 E. Maple Avenue
Fayetteville, WV 25840

Fayette County Board of Education
111 Fayette Avenue
Fayetteville, West Virginia 25840

Re: Docket No.: REP-5-84
Sam Bria, Complainant,
v. Fayette County Board of Education, Respondent

Dear Mr. Bria; Mr. Tinsley; and Board Members:

Herewith please find the Findings of Fact, Conclusions of Law and the Order of the WV Human Rights Commission in the case of Sam Bria, Complainant, v. Fayette County Board of Education, Respondent.

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 thirty (30) days, the Order is deemed final.

Sincerely yours,

Howard D. Kenney
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

STATE OF WEST VIRGINIA
HUMAN RIGHTS COMMISSION

Sam Bria,

Complainant

Docket No.: REP-5-84

Fayette County Board of Education,

Respondent.

FINAL ORDER

On May 8, 1985, the Commission reviewed the above-styled case including, the proposed Order And Decision made by the Hearing Examiner, the exceptions filed on behalf of the Fayette County Board of Education together with the complete transcript. After consideration of all of the matters the Commission does hereby order as follows:

1. That the proposed Order and Decision, made by the Hearing Examiner is proper in all respects and accurately reflects the Commission's position.
2. That the exceptions filed on behalf of the Fayette County Board of Education are not well taken and do not accurately reflect the position of the Commission in their view of the evidence and transcript as a whole.
3. That the provisions of West Virginia Code, Chapter 18A-2-7, does not prevent the Board of Education from carrying out the Order of the Commission.

4. That the Proposed Order made by the Hearing Examiner is adopted and together with all other portions of the proposed Order and Decisions are made a part of the Commission's Final Order and Decision and be attached hereto and made a part hereof.

5. The Fayette County Board of Education, is therefore ordered to immediately instate the Complainant, Sam Bria, as Head Football Coach at Gauley Bridge High School.

6. That respondent be ordered to instate complainant as Head Football Coach at Gauley Bridge High School upon the condition that complainant relinquish one of the coaching positions which he currently holds;

7. That respondent clear from its personnel records for complainant all references to the filing of the instant complaint and the subsequent disposition thereof;

8. That respondent be ordered to cease and desist from taking reprisals against individuals who file charges under the civil rights statutes; and

9. That respondent report to the Commission within 45 days of the entry of its Order, the steps taken to comply with the Order.

It is Further ORDERED that a copy of this letter be served by certified mail upon Dwane L. Tinsley, Assistant Prosecuting Attorney, the Fayette County Board of Education, as respondent and upon Sam Bria, the Complainant.

The parties are hereby NOTIFIED that they have 10 days pursuant to the Emergency Rules Pertaining to Practice and Procedure Before the West Virginia Human Rights Commission to request a reconsideration of this Order and further that they have the right to

judicial review as provided in Chapter 29A-5-4.

Entered this 24 day of May, 1985.



RUSSELL VAN CLEVE
CHAIRMAN
WEST VIRGINIA HUMAN RIGHTS
COMMISSION