



*Order*  
COPY

**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 24, 1985

Paul Richard Hull  
Assistant Attorney General  
State Capitol  
Room 26-E  
Charleston, WV 25305

Douglas Davis  
4835 Kanawha Turnpike  
South Charleston, WV 25309

Douglas Miller, Esquire  
1218 Quarrier Street  
Charleston, WV 25301

RE: Douglas Davis V WV National Guard/Docket No.: E-80-69

Dear Mr. Hull, Mr. Davis and Mr. Miller,

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Davis V West Virginia National Guard.

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,

*Howard D. Kenney*  
Howard D. Kenney  
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

DOUGLAS DAVIS,  
COMPLAINANT

V

DOCKET NO.: E-80-69

WEST VIRGINIA NATIONAL GUARD,  
RESPONDENT

ORDER

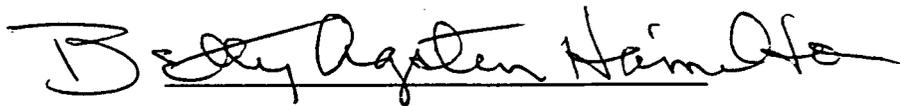
On the 19th day of September, 1985, the West Virginia Human Rights Commission had before it Respondent's Motion for Reconsideration also the letter and affidavit of Douglas Miller, who represented the Complainant at the hearing, was presented to the Commission.

It is ORDERED that the Respondent's Motion for Reconsideration be denied.

It is ORDERED that the Respondent pay to Douglas Miller Attorney's fees in the amount of Five Thousand Seventy Dollars (\$5,070.00).

By this Order, the parties are hereby notified that they have the right to judicial review.

Entered this 22 day of October, 1985.



Chair/Vice Chair  
West Virginia Human Rights  
Commission

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BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

AUG 27 1985

DOUGLAS DAVIS,

Complainant,

v.

Docket No. E-80-69

W.V. HUMAN RIGHTS COMM.  
*[Signature]*

WEST VIRGINIA NATIONAL GUARD,

Respondent.

MOTION TO RECONSIDER

Respondent, by counsel, hereby moves the West Virginia Human Rights Commission to reconsider its Order, dated August 14, 1985, for the reason that the underlying proposed order and decision of the hearing examiner contains numerous factual and legal errors as more fully stated in its exceptions to said proposed order and findings heretofore filed.

WHEREFORE, respondent prays the Commission will reconsider its Order and not adopt said proposed order and findings as its own, but rather reverse the proposed order and findings and grant judgment to respondent.

WEST VIRGINIA NATIONAL GUARD,  
Respondent,

By Counsel

CHARLIE BROWN  
ATTORNEY GENERAL

*Paul Richard Hull*

PAUL RICHARD HULL  
ASSISTANT ATTORNEY GENERAL  
State Capitol, Room 26-E  
Charleston, West Virginia 25305

Counsel for Respondent

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AUG 26 1985

ADMINISTRATIVE DIRECTOR  
SUPREME COURT OF APPEALS

CERTIFICATE OF SERVICE

I, Paul Richard Hull, Assistant Attorney General for the State of West Virginia and counsel for respondent, do hereby certify that true copies of the foregoing Motion were duly served upon parties by depositing said copies in the United States mail with first-class postage prepaid on this the 23rd day of August, 1985, addressed as follows:

TO: James Gerl, Esquire  
216 South Jefferson Street  
Lewisburg, West Virginia 24901

John M. Richardson, Esquire  
West Virginia Human Rights Commission  
1036 Quarrier Street  
Charleston, West Virginia 25301

Douglas Miller, Esquire  
1218 Quarrier Street  
Charleston, West Virginia 25301

  
PAUL RICHARD HULL