



COPY

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

October 29, 1985

Dennis J. Frazier
105 Washington Avenue
Beckley, WV 25801

Brenda H. Cole, Esq.
Assistant Attorney General
Room W-435, State Capitol
Charleston, WV 25035

Carl Pierson, President
CAP Construction
Route 1, Box 17
Cool Ridge, WV 25825

Fred A. Bolton
Box 970
Princeton, WV 24740

Theodore R. Dues, Jr.
Hearing Examiner
P. O. Box 5105
Charleston, WV 25361

RE: ER-180-83-Dennis Jerome Frazier V CAP Construction & Excavating Company, ER-180-83.

Dear Above Parties:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of ER-180-83-Dennis Jerome Frazier V CAP Construction and Excavating Company.

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
Executive Director

HDK/kpv
Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

DENNIS JEROME FRAZIER,
COMPLAINANT,

V.

DOCKET NO.: ER-180-83

CAP CONSTRUCTION AND EXCAVATING COMPANY,
RESPONDENT.

ORDER

On July 22, 1985, Hearing Examiner, Theodore R. Dues, Jr., by his Order, recommended the dismissal of this case because the Respondent had been granted a discharge in bankruptcy. Prior to making a decision on the above recommendation, the Commission received another Order, dated August 21, 1985, in which the Hearing Examiner recommended the reopening of the case following action by the U.S. Bankruptcy Court.

On the 19th day of September, 1985, the Commission ORDERED that the case be reopened and remanded to Theodore R. Dues, Jr., Hearing Examiner for public hearing.

Entered this 22 day of October, 1985



CHAIR/VICE CHAIR
WEST VIRGINIA HUMAN RIGHTS
COMMISSION