

Order book



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 4, 1985

Robert Fullen
P. O. Box 5904
Princeton, WV 24740

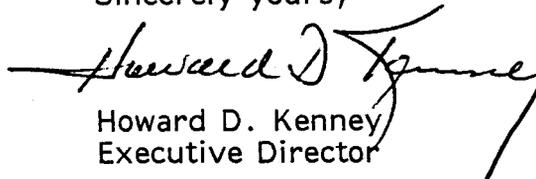
Frank Curia, Esquire
WV Department of Highways
1900 Washington Street, E.
Charleston, WV 25305

RE: Robert Fullen v. WV Dept. of Highways
Docket No. ER-380-79

Dear Mr. Fullen and Mr. Curia:

Enclosed please find a copy of the Order of the WV Human Rights Commission in the above-styled and numbered case of Robert Fullen v. WV Department of Highways/Docket No. ER-380-79, 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.

CC: Roxanne Rogers, Attorney
Ted Dues, Jr., Hearing Examiner

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

Robert Fullen
Complainant,

v.

Docket No.: ER-380-79

West Virginia Department of Highways,
Respondent.

ORDER

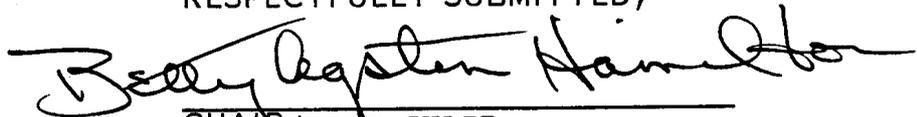
On the 19th day of September, 1985, the Commission reviewed Hearing Examiner, Theodore R. Dues, Jr's, Findings of Fact and Conclusions of Law. After consideration of the aforementioned, the Commission does hereby adopt the Findings of Fact and Conclusions of Law as its own.

It is hereby ORDERED that the Hearing Examiner's Findings of Fact and Conclusions of Law be attached hereto and made a part of this Order.

By this Order, a copy of which to be sent by certified mail, 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 9th day of October, 1985.

RESPECTFULLY SUBMITTED,



CHAIR/VICE CHAIR
WEST VIRGINIA HUMAN RIGHTS
COMMISSION

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

ROBERT FULLEN,
Complainant,

vs.

Docket No. ER-380-79

WEST VIRGINIA DEPARTMENT
OF HIGHWAYS,
Respondent.

RECEIVED

AUG 21 1985
W.V. HUMAN RIGHTS COMM.

ORDER

This matter matured for a hearing on July 31, 1985. The hearing was held at the Summers County Courthouse, Hinton, West Virginia. The hearing panel consisted of Theodore R. Dues, Jr., Hearing Examiner. The presence of a Hearing Commissioner was previously waived by the parties. The Complainant failed to appear in person. Roxanne Rogers appeared as counsel for the Complainant. The Respondent appeared by its counsel, Frank Curia.

Where at the Examiner called upon counsel for the Complainant to justify the absence of the Complainant. After representations from counsel for the Complainant which effects the finding of this Examiner that the Complainant was duly notified of the scheduling of this matter several weeks before this hearing date. In addition, counsel for the Complainant took the extra precaution of contacting the ex-wife of the Complainant who indicated that the Complainant would receive the message and complainant's phone numbers should he have any questions pertaining to this matter.

The Respondent objected to a continuance of this matter.

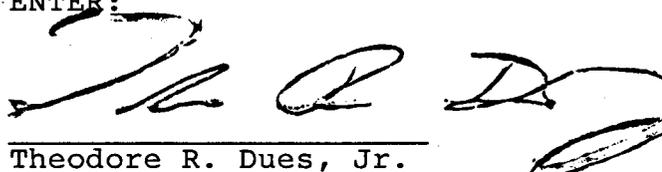
without the Complainant being able to show cause as to why his appearance was not perfected. Accordingly, the Examiner provided that the Complainant was to be provided ten (10) days by which he could perfect the reason(s) for his failure to appear on this date to avoid dismissal with prejudice of this action.

The Examiner having received no correspondence or contact from Complainant or his counsel more than ten (10) days from the date of the Examiner's directive for the Complainant to show cause as to why this matter should not be dismissed with prejudice for his failure to appear on the date of the public hearing does hereby recommend to the Commission that this matter be stricken with prejudice.

DATED

August 20, 1915

ENTER:


Theodore R. Dues, Jr.
Hearing Examiner