



COPY

STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

215 PROFESSIONAL BUILDING  
1036 QUARRIER STREET  
CHARLESTON, WEST VIRGINIA 25301

ARCHA MOORE, JR.  
Governor

TELEPHONE 304-348-2616

January 8, 1986

J. Bradley Russell  
Assistant Attorney General  
Room E 26  
State Capitol  
Charleston, WV 25305

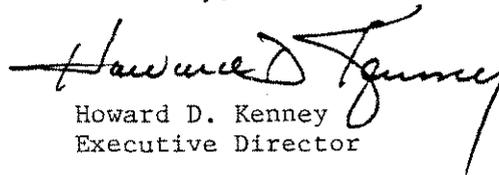
Laird Minor, Esq.  
Love-Wise-Woodroe  
P. O. Box 951  
Charleston, WV 25323

RE: Holbrook V Poole Associates

Dear Mr. Russell & Mr. Minor:

Enclosed is the Order of the Commission made in Response to  
Complainant's Motion for Reconsideration.

Sincerely,

  
Howard D. Kenney  
Executive Director

HDK/kpv

Enclosure

CERTIFIED MAIL/REGISTERED RECEIPT REQUESTED.

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

MARGIE ANN HOLBROOK  
COMPLAINANT,

V.

DOCKET NO.: EA-13-83

POOLE ASSOCIATES, INC.,  
RESPONDENT.

ORDER

On the 11th day of December 1985, the West Virginia Human Rights Commission had before it consideration the Complainant's Motion for Reconsideration. The Motion for Reconsideration is hereby ordered denied.

By this Order, a copy of which is to be sent by Certified Mail, the parties are hereby notified that they have the right to judicial review.

Entered this 8 day of January, 1986.

  
Chair/Vice Chair

ORDER



**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 16, 1985

Margie Ann Holbrook  
1920 MacCorkle Avenue, S. E.  
Chesapeake, WV 25315

J. Bradley Russell, Esquire  
Assistant Attorney General  
Room E-26, State Capitol  
Charleston, WV 25305

Laird Minor, Esquire  
Love, Wise & Woodroe  
P. O. Box 951  
Charleston, WV 25323

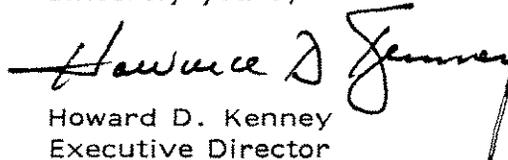
RE: Margie Ann Holbrook V Poole Associates, Inc., EA-13-83.

Dear Ms. Holbrook, Mr. Russell, and Mr. Minor:

Herewith please find the Order of the WV Human Rights Commission in the above-styled and numbered case of Margie Ann Holbrook V Poole Associates, Inc.

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

MARGIE ANN HOLBROOK,  
COMPLAINANT,

V

DOCKET NO: EA-13-83

POOLE ASSOCIATES, INC.,  
RESPONDENT.

ORDER

Pursuant to proper notice, this matter came on for hearing on the 16th day of May 1985, beginning at 9:00 a.m. in Conference Room E, Room 314, State Capitol Complex, Charleston, Kanawha County, West Virginia. Mr. Robert R. Harpold, Jr., hearing examiner presided, the parties having specifically waived the presence of a hearing commissioner.

The Complainant, Margie Ann Holbrook, appeared in person and by her legal counsel, J. Bradley Russell, assistant Attorney General, and the Respondent, Poole Associates, Inc. appeared by its legal counsel, Laird Minor.

Notice as required by law, setting forth the time and place of the hearing and the matters to be heard, had regularly been served upon the respective parties hereto and that the same appeared by their respective representatives and counsel, the hearing was convened at the aforesaid time and place.

Upon due consideration of the recommended decision and exceptions thereto, the West Virginia Human Rights Commission hereby makes the following Order:

1. Margie Holbrook was sixty-two (62) years of age on the date of termination.

2. Margie Holbrook was a very good, dependable, hardworking employee.
3. Margie Holbrook worked as a waitress for twenty-six and one-half (26½) years.
4. For the fifteen (15) years preceding termination, she worked at the Charleston House Holiday Inn Coffee Shop.
5. Throughout Mrs. Holbrook's years of employment, she never had any work-related problems.
6. At the time of termination, Margie Holbrook received wages of two dollars and one cent (\$2.01) per hour.
7. Margie Holbrook worked forty (40) hours per week.
8. Margie Holbrook worked fifty (50) weeks per year.
9. Tips averaged between thirty dollars (\$30.00) and forty dollars (\$40.00) per day and sometimes greater.
10. Margie Holbrook was the oldest waitress working for Poole Associates at the Charleston House.
11. Margie would not have retired at age sixty-five (65), but rather would have continued to work.
12. Margie Holbrook was never warned or advised that she was doing anything wrong.
13. Margie Holbrook was replaced by a woman in her 20's, Barbara Fletcher.
14. There were no problems with legibility of Margie Holbrook's checks at any time.
15. Margie Holbrook's mathematical errors were fewer than those of the other employees.

16. No complaints were voiced about any problems with the tickets.
17. Margie Holbrook did not refuse any work assignments from Poole Associates.
18. Margie Holbrook was requested to and did work overtime for Poole Associates.
19. Poole Associates picked on the older employees.
20. Margie Holbrook never complained to customers about the new management.
21. Margie Holbrook started receiving Social Security before she was fired.
22. Margie Holbrook was embarrassed and distressed about being fired.
23. Margie Holbrook tried to mitigate by looking for work, but was not hired by anyone.

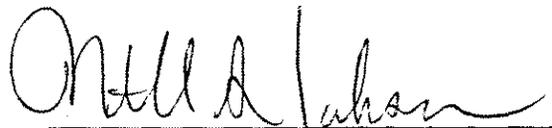
The Respondent violated the West Virginia Human Rights Act, Section 5-11-9 by discharging the Complainant because of her age.

RELIEF

It is hereby ORDERED that the Respondent pay the Complainant the sum of one thousand dollars (\$1,000.00) for the embarrassment and humiliation she suffered.

Entered this 10<sup>th</sup> day of October 1985

RESPECTFULLY SUBMITTED,



CHAIR/VICE-CHAIR  
WV HUMAN RIGHTS COMMISSION