



**STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION**

**WV HUMAN RIGHTS COMMISSION**

1321 Plaza East

Room 104/106

Charleston, WV 25301-1400

**GASTON CAPERTON**  
GOVERNOR

TELEPHONE (304) 348-2616

FAX (304) 348-2248

**Quewanncoi C. Stephens**  
Executive Director

28 August 1990

Joseph C. James  
902 Mel Street  
Charleston, WV 25302

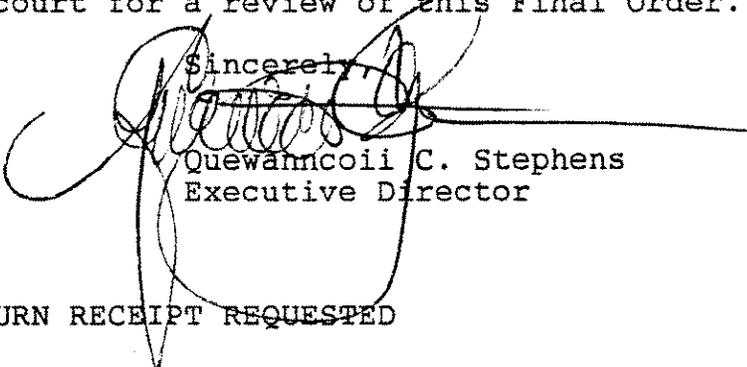
Herschel H. Rose, III, Esquire  
Post Office Box 1588  
Charleston, WV 25326

Re: James v. Union Mission Settlement, Inc.  
Docket No. ER-200-87

Dear Mr. James and Mr. Rose:

Herewith please find the Final Order of the West Virginia Human Rights Commission in the above styled and numbered case. Pursuant to WV Code, Chapter 5, Article 11, Section 11, amended and effective July 1, 1989, any party adversely affected by this Final Order may file a petition for review. Please refer to the attached "Notice of Right to Appeal" for more information regarding your right to petition a court for a review of this Final Order.

Sincerely,

  
Quewanncoi C. Stephens  
Executive Director

Enclosures

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

cc: Secretary of State

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

JOSEPH C. JAMES,  
Complainant,

v. DOCKET NO. ER-200-87

UNION MISSION SETTLEMENT, INC.,  
Respondent.

FINAL ORDER

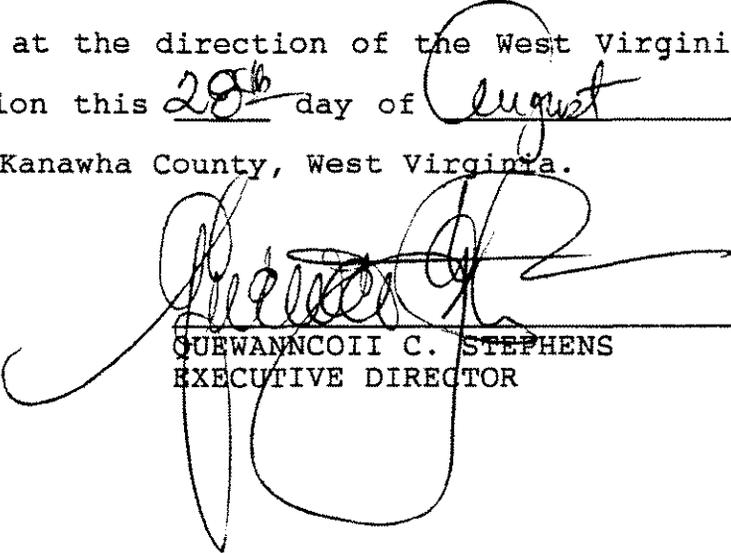
The West Virginia Human Rights Commission and the respondent having entered into a conciliation agreement, a copy of which is attached hereto; and said agreement having been served upon the complainant and no objection having been filed by complainant within fifteen (15) days after service; it is hereby ADJUDGED, ORDERED, and DECREED that the conciliation agreement attached hereto be considered the Final Order of the West Virginia Human Rights Commission, and nothing remaining to be done in this matter, this action is dismissed and stricken from the docket of this Commission.

A copy of this Final Order, and a copy of the conciliation agreement attached hereto, shall be served by certified mail upon the complainant and upon counsel for respondent. The parties are advised of their right to appeal this Final Order as outlined in the Notice of Right to Appeal attached hereto.

It is so ORDERED.

WEST VIRGINIA HUMAN RIGHTS COMMISSION

Entered for and at the direction of the West Virginia  
Human Rights Commission this 29<sup>th</sup> day of August,  
1990, in Charleston, Kanawha County, West Virginia.



QUEWANNCOLI C. STEPHENS  
EXECUTIVE DIRECTOR

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

JOSEPH C. JAMES,

Complainant,

vs.

DOCKET NO. ER-200-87,

UNION MISSION SETTLEMENT, INC.,

Respondent.

CONCILIATION AGREEMENT

The above-styled and numbered complaint having been filed under the West Virginia Human Rights Act with the West Virginia Human Rights Commission by Joseph C. James (hereinafter referred to as "complainant") against Union Mission Settlement, Inc. (hereinafter referred to as "respondent"), and is now pending before the West Virginia Human Rights Commission; and respondent having denied and continuing to deny the allegations set forth in the complaint, and the Commission and respondent now desiring to conciliate and resolve in full this matter by providing for the dismissal with prejudice of this administrative proceeding, the Commission and respondent hereby agree to the following:

1. No findings of fact or conclusions have been made by any administrative agency or court concerning the merit or lack of merit of the allegations made by the complainant in the administrative proceeding noted above, and the making of this agreement is not intended to and shall not constitute an admission by respondent as to the merits of such allegations.

2. The respondent agrees not to engage in the commission of unlawful discriminatory practices in the future and further agrees to abide by or continue to abide by the provisions of the West Virginia Human Rights Act, and accompanying regulations, in the implementation of its employment practices and procedures. This paragraph is not to be construed as an admission that the respondent committed an unlawful discriminatory practice in this matter and the Human Rights Commission admits that no such finding of fact was made herein.

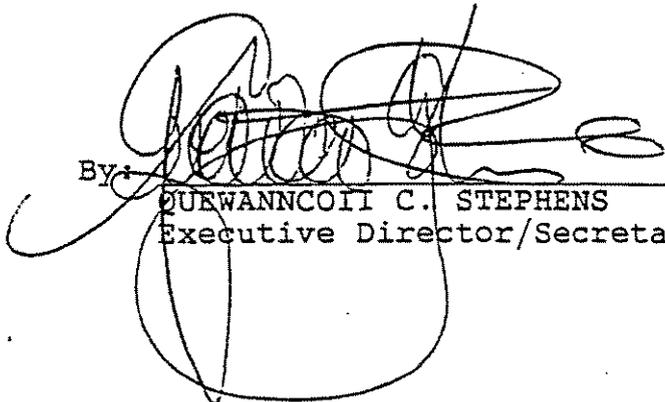
3. It is further agreed that if the complainant agrees to the terms of this agreement or fails to object to such terms within fifteen (15) days after its service upon him,

the Commission shall issue a dismissal order embodying this conciliation agreement.

THE WEST VIRGINIA  
HUMAN RIGHTS COMMISSION

UNION MISSION SETTLEMENT, INC.

BY:



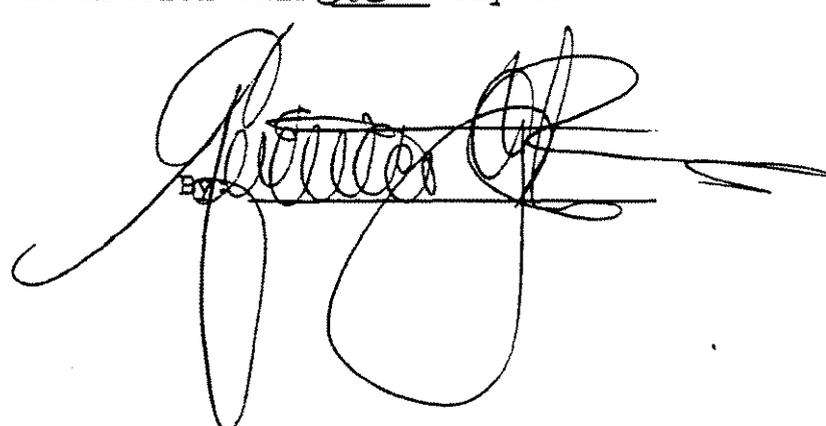
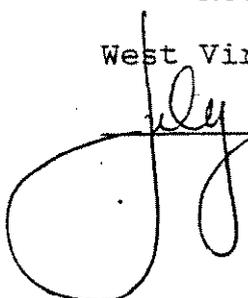
DURWANNCOIT C. STEPHENS  
Executive Director/Secretary

BY:



Counsel for Respondent

Received and Entered for and at the direction of the  
West Virginia Human Rights Commission this 25<sup>th</sup> day of  
July, 1990.

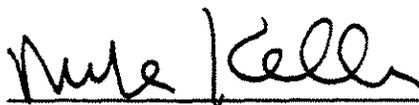


CERTIFICATE OF SERVICE

I, Mike Kelly, Deputy Attorney General of the State of West Virginia, do hereby certify that a true copy of the foregoing Notice to Complainant and accompanying Conciliation Agreement were served upon the following, by depositing a true copy thereof in the United States Mail, on the 26<sup>th</sup> day of July, 1990, addressed as follows:

To: Joseph C. James  
902 Mel Street  
Charleston, WV 25302  
Certified Mail/Return  
Receipt Requested

Herschel H. Rose, III, Esquire  
Bryan R. Cokeley, Esquire  
Post Office Box 1588  
Charleston, WV 25326  
Counsel for Respondent

  
\_\_\_\_\_  
MIKE KELLY

## NOTICE OF RIGHT TO APPEAL

If you are dissatisfied with this order, you have a right to appeal it to the West Virginia Supreme Court of Appeals. This must be done within 30 days from the day you receive this order. If your case has been presented by an assistant attorney general, he or she will not file the appeal for you; you must either do so yourself or have an attorney do so for you. In order to appeal, you must file a petition for appeal with the Clerk of the West Virginia Supreme Court naming the Human Rights Commission and the adverse party as respondents. The employer or the landlord, etc., against whom a complaint was filed is the adverse party if you are the complainant; and the complainant is the adverse party if you are the employer, landlord, etc., against whom a complaint was filed. If the appeal is granted to a nonresident of this state, the nonresident may be required to file a bond with the Clerk of the Supreme Court.

IN SOME CASES THE APPEAL MAY BE FILED IN THE CIRCUIT COURT OF KANAWHA COUNTY, but only in: (1) cases in which the Commission awards damages other than back pay exceeding \$5,000.00; (2) cases in which the Commission awards back pay exceeding \$30,000.00; and (3) cases in which the parties agree that the appeal should be prosecuted in circuit court. Appeals to Kanawha County Circuit Court must also be filed within 30 days from the date of receipt of this order.

For a more complete description of the appeal process see West Virginia Code § 5-11-11, and the West Virginia Rules of Appellate Procedure.