

CERTIFICATE OF SERVICE

I, Roxanne Rogers, do hereby certify that I have this 5th day of May, 1986, mailed a true copy of the Order by Certified Mail Return Receipt Requested in properly addressed and stamped envelopes to the following persons:

Carolyn J. Marsh, Esquire
1634 Quarrier Street
Charleston, WV 25311

Mary E. Meadows Williams
101 Emily Street
Beckley, WV 25801

Robert J. Ashworth, Esquire
Suite 205, Law Bldg.
Beckley, WV 25801

Paul R. Stone
Chief Administrative Law Judge
P. O. Box 2828
Charleston, WV 25330


Roxanne Rogers

BEFORE THE WEST VIRGINIA HUMAN RIGHTS COMMISSION

MARY E. (MEADOWS) WILLIAMS,

Complainant,

vs.

Docket No. ES-52-72

BECKLEY MANUFACTURING,

Respondent.

O R D E R

On the 9th day of April, 1986, the Commission reviewed the Findings of Fact and Conclusions of Law of Hearing Examiner Theodore R. Dues, Jr. After consideration of the aforementioned, the Commission does hereby not adopt the Findings of Fact and Conclusions of Law as its own, and hereby makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. It appears conclusively from the documentary and other evidence that the respondent, Beckley Manufacturing Company is a subsidiary of General Instrument Corporation.

2. The Hearing Examiner granted the Motion of General Instrument Corporation to be dismissed as a party and in reliance thereupon General Instrument Corporation did not present a defense in this proceeding.

CONCLUSIONS OF LAW

1. Since Beckley Manufacturing Company is a subsidiary of General Instrument Corporation, General Instrument Corporation

would be liable for any violations of the West Virginia Human Rights Act committed by Beckley Manufacturing Company.

2. The dismissal of General Instrument Corporation was erroneously granted by the Hearing Examiner and General Instrument Corporation should be reinstated as a party respondent in this matter.

3. Since General Instrument Corporation failed to defend in reliance on the Hearing Examiner's granting its motion to dismiss, due process requires that this matter be remanded to the Hearing Examiner for further proceedings, including additional hearings, if necessary, and that General Instrument Corporation be properly notified of such action and given the opportunity to present its defense.

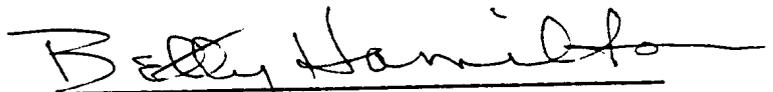
It is therefore ORDERED that General Instrument Corporation be reinstated as a party respondent in this matter, and that the matter be remanded to the Hearing Examiner for further proceedings, and that General Instrument Corporation be given proper notice of any such proceedings pursuant to the Administrative Regulations of the West Virginia Human Rights Commission.

By this Order, a copy of which shall be sent by Certified Mail to the parties, 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 21 day of April, 1986.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Betty Hamilton", written over a horizontal line.

CHAIR/VICE-CHAIR
WEST VIRGINIA HUMAN
RIGHTS COMMISSION