PEGGY FREEMAN,

Grievant,

v v.

Docket No. 02-10-217R

FAYETTE COUNTY BOARD

OF EDUCATION,

Respondent.

DECISION UPON REMAND

By order of the Circuit Court of Fayette County, entered August 26, 2004, the above- styled grievance was remanded to the West Virginia Education and State Employees Grievance Board for further proceedings in conformity with instructions from the Supreme Court of Appeals of West Virginia. In anticipation of the remand, the parties appeared on July 28, 2004, in the Charleston offices of the West Virginia Education and State Employees Grievance Board. The grievant, Peggy Freeman ("Grievant"), appeared in person and by her counsel, C. Jane Moran, Esquire. The respondent, the Fayette County Board of Education ("the Board"), appeared by Ronald Wood, Treasurer of the Board, and by counsel, Erwin L. Conrad, Esquire.

Pursuant to a decision of the Supreme Court of Appeals of West Virginia in Appeal No. 31641 and the aforementioned remand order of the Circuit Court of Fayette County, the above-styled grievance is **GRANTED**. Upon agreement of the parties, as approved by a vote of the Board on August 2, 2004, it is hereby **ORDERED** as follows:

5.1 1.
The Board shall compensate Grievant in the amount of two thousand nine hundred eighty-six dollars and seventy-five cents ($2,986.75) for the brief period of unemployment she suffered before obtaining a higher-payingposition with another school system;

5.2 2.
The Board shall compensate Grievant in the amount of five thousand

one hundred eight dollars and fifty cents ($5,108.50) for attorney fees;

5.3 3. The foregoing amounts shall be tendered to Grievant by the Board in one check in the amount of eight thousand ninety-five dollars and twenty-five cents ($8,095.25); and

5.4 4. Grievant having declined reinstatement to her former position, the foregoing resolves all of the outstanding matters between the parties in connection with this grievance.

This grievance is hereby closed and stricken from the docket of the West Virginia Education and State Employees Grievance Board. A copy of this decision shall be forwarded to the Circuit Court of Fayette County in conformity with the Order, entered August 26, 2004, by the Honorable Charles M. Vickers in *Freeman v. Fayette County Board of Education*, Civil Action No. 02-AA-1.

Date: September 20, 2004

Jacquelyn I. Custer

Administrative Law Judge