THE WEST VIRGINIA PUBLIC EMPLOYEES
GRIEVANCE BOARD

GINA REITTER,
Grievant,

v. **DOCKET NO. 2012-1300-BroED**

BROOKE COUNTY BOARD OF EDUCATION,
Respondent.

DECISION

This grievance was filed at level three by Grievant, Gina Reitter, on May 15, 2012, against her employer, the Brooke County Board of Education, contesting a five-day suspension without pay. The statement of grievance reads:

> On or about May 14, 2012, Grievant was suspended from work for five (5) days without pay beginning May 2, 2012 for alleged immorality. Said suspension was arbitrary and capricious, and a violation of laws, policies, and/or procedures, including, but not limited to, WV Code § 18A-2-8. Alternatively, Grievant asserts that the suspension time is excessive and not appropriate to the alleged offense.

The relief sought by Grievant is:

> for the disciplinary action to be rescinded, or alternatively, revised so that it is not disproportionate; to be made whole; and any other relief that the administrative law judge deems appropriate.

A level three hearing was held before the undersigned Administrative Law Judge on August 29, 2012, in the Grievance Board's Westover office.[1] Grievant was represented

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[1] Neither party asked that the record be left open in order to submit additional evidence, and the record was closed at the conclusion of the hearing on August 29, 2012. On September 10, 2012, the Grievance Board received a letter from Respondent's counsel asking that the letter and the attached email be made an exhibit. Not only did Respondent fail to offer any reason for not presenting the information in the email as evidence at the

by Frank Caputo, Staff Representative, AFT-West Virginia/AFL-CIO, and Respondent was represented by David F. Cross, Esquire, Brooke County Chief Assistant Prosecuting Attorney. This matter became mature for decision upon receipt of the last of the parties' Proposed Findings of Fact and Conclusions of Law on October 1, 2012.

Synopsis

Grievant, a teacher, was suspended for five days without pay for immorality, specifically, fabrication of a disciplinary incident. Grievant had submitted a Disciplinary Referral Form which correctly stated that a student had threatened Grievant, but the circumstances of the threat, which were stated in a cursory manner in the margin on the form, were not clearly stated. Grievant explained what had occurred when she was questioned during the investigation, and when she provided a more detailed written statement later that same day. Grievant did not fabricate a disciplinary incident, and Respondent did not demonstrate that Grievant's initial cursory, incomplete statement of the incident amounted to falsification of a disciplinary incident.

The following Findings of Fact are made based upon the record developed at level three.

Findings of Fact

1. Grievant is employed by the Brooke County Board of Education ("BBOE") at Brooke High School ("BHS") as a Biology teacher.

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hearing, but Respondent did not provide an affidavit from anyone which authenticated the email, and the person sending the email was not presented for cross-examination. Accordingly, the request to make this letter and email part of the record is DENIED.

2. By letter dated April 9, 2012, Grievant was advised by BBOE Superintendent Dr. Kathy Kidder-Wilkerson that she was being suspended for five days without pay for immorality. Specifically, Grievant was charged with "fabrication of a disciplinary incident per your completion of a discipline referral form dated March 13, 2012." The letter stated that the statement Grievant had written on a discipline referral form "was found to be untrue."

3. On March 14, 2012, at approximately 1:00 p.m., Grievant received a text message on her cell phone from Emily Yost, another teacher at BHS, advising her that, "[r]umor has it that you're pregnant and a bitch. Z.Z.[2] also informed us that he wants to kick you in the neck and kill you." Ms. Yost had sent the message to Grievant at 9:29 a.m., but Grievant did not check her messages until lunchtime.

4. Z.Z. was in Grievant's 7th period Biology class, which was scheduled to begin about 18 minutes after she received the text message. Grievant hurriedly completed a Discipline Referral Form, by hand, placing the wrong date on the form, March 13, 2012, rather than March 14, 2012. She noted the student's name on the form, grade 10, and which of the three centers at BHS this related to, this being Center II. She checked the infraction as a verbal/physical threat and wrote in "Z. asked to use RR - in middle of class, I said no & he said he wants to kick me in the neck & kill me." Grievant immediately took the completed form to the office of the Assistant Principal for Center II, Melissa Figlioli. Ms. Figlioli's door was closed. Grievant placed the form in the basket in which Discipline Referral Forms are to be placed. Grievant immediately returned to her classroom, as she

[2] Consistent with Grievance Board practice, students will be identified only by their initials in this decision.

was required to be present to supervise students when they began arriving for class. Grievant had previously been disciplined for not following the proper procedure, so she was aware of the importance of following proper procedure.

5. Earlier in the school year a student at BHS had thrown his gym bag at Grievant, hitting Grievant in the back of the head. Grievant had suffered a concussion and bruising to her cervical spine, and missed 35 days of school. She spent four months in physical therapy. The student was suspended for 10 days. When Grievant received the text from Ms. Yost, she was concerned for her safety, particularly after this earlier incident, and because she was pregnant, she was also concerned for the safety of her baby.

6. Ms. Figlioli was not in her office when Grievant left the Discipline Referral Form in the basket. Ms. Figlioli returned to the office at approximately 1:45 p.m., and immediately went through the Discipline Referral Form basket. Ms. Figlioli was confused because this was a serious matter, and she did not understand why the form had not been submitted to her on the date on the form, March 13. Ms. Figlioli's reading of the statement on the form was that the threat had been made by Z.Z. directly to Grievant in Grievant's classroom.

7. Ms. Figlioli's secretary, Virginia Hadden, prepared a written statement dated March 14, 2012, which was not given under oath, in which she stated, "Gina Reitter came in the Center II office and told me that Z.Z. came up to her and said, 'I'm going to F***n kick you in the neck.'" Ms. Hadden was not called to testify in this proceeding, and her written statement was not subject to cross-examination.

8. Ms. Figlioli asked her secretary to call Z.Z. to the office from Grievant's classroom, and when she questioned him he said he was absent on March 13, and asked

if she was sure she had the right student. Ms. Figlioli sent Z.Z. back to Grievant's class and called Grievant. Grievant told Ms. Figlioli that it was Z.Z. who had made the threat, and she had written the wrong date on the form. Ms. Figlioli understood Grievant to say that the threat had occurred on March 12, 2012, and she had placed the wrong date on the form. Ms. Figlioli then interviewed Z.Z. again, and he denied threatening Grievant. Ms. Figlioli, however, did not send Z.Z. back to Grievant's classroom.

9. Ms. Figlioli then went to Grievant's classroom to interview Grievant in the hallway outside the classroom, and to obtain a more complete written statement from Grievant. She asked Grievant for the names of students in her class that may have heard the statement so she could interview them, and Grievant told her none of her students had heard the statement. Ms. Figlioli told Grievant she was confused, and Grievant then told her that Z.Z. had not made the statement to her, but that she did not want to get any other teacher in trouble. Grievant then told Ms. Figlioli that Z.Z. had made the statement while in Ms. Yost's homeroom, and she could not give her the students' names at that time.

10. Ms. Figlioli asked Grievant to stay after school to provide her a written statement. Grievant could not meet with Ms. Figlioli after school on March 14, 2012, because she had a graduate class that evening, which she attended. Although the undergraduate classes were not in session due to spring break, Grievant's graduate class convened as scheduled. Ms. Figlioli told Grievant she needed a written statement from her by the next morning.

11. At 3:30 p.m., Grievant emailed a more detailed written statement to Ms. Figlioli, stating as follows:

> The kids in my Biology classes are presenting the research projects they have been working on and are asked to "dress appropriately" during presentations. Z.Z. did not like this very much. He had asked me to use the restroom and I said no. He then went to Emily Yost's Homeroom and was sitting with J.B., T.T., and M. S. Z. proceeded to to [sic] tell these kids that I don't allow kids to use the restroom and my assignments were ridiculous. He then said that he wanted to kick me in the neck and kill me. Ms. Yost overheard these comments and was worried about me, so she told me.

12. Ms. Figlioli met with Ms. Yost on March 15, 2012. Ms. Yost provided a written statement to Ms. Figlioli on March 15, 2012, which was not given under oath. The statement indicates that on March 14, 2012, Z.Z. entered her Homeroom dressed more formally than usual, causing other students to inquire about his attire. Z.Z. explained that he had a Biology class presentation and was required to dress appropriately. The students then complained about Grievant being strict, giving hard assignments, and not allowing students to go to the bathroom. Ms. Yost stated that she then "heard Z. say that he wanted to kick Mrs. Reitter in the neck, and that he hoped she died." Ms. Yost stated she texted Grievant to advise her of the threat. Ms. Yost also wrote in her written statement that Grievant had responded to the text message sometime between homeroom and 5th period, and that she heard from Grievant again sometime after 5th period when Grievant advised her that she had "written Z. up for the statement; since she didn't want to 'get me involved,' she had backdated that form and said that she heard him say it in HER class."

13. Ms. Yost was not called to testify as a witness at level three, and Respondent did not offer any reason for not calling Ms. Yost as a witness.

14. Ms. Yost did not tell Z.Z. or any of the other students that they were not to speak about a teacher at BHS in such a derogatory fashion, nor did she complete a Discipline Referral Form as she was obligated to do. When Ms. Figlioli met with Ms. Yost

on March 15, 2012, she advised her that the failure to report the threat could be viewed as wilful neglect of duty. After this, Ms. Yost made statements to Ms. Figlioli which indicated to her that she was questioning what she had heard.

15. On March 15, 2012, Ms. Figlioli interviewed the students who had been in Ms. Yost's homeroom on March 14, 2012. All the students interviewed denied that they had heard Z.Z. make a threat toward Grievant.

16. Z.Z. was not disciplined for threatening to harm Grievant, because Ms. Figlioli did not believe Ms. Yost's testimony would be sufficient to prove the charges. She viewed the denials of the students as more credible than the testimony of one of her teachers. Z.Z. was removed from Grievant's classroom, but this action was taken because his parents requested that he be removed from Grievant's classroom, not because of any concern for Grievant's safety.

17. Grievant had previously been suspended for three days without pay, placed on an Improvement Plan, and given two written reprimands.

Discussion

In disciplinary matters, the employer bears the burden of establishing the charges against the employee by a preponderance of the evidence. *Nicholson v. Logan County Bd. of Educ.*, Docket No. 95-23-129 (Oct. 18, 1995); *Landy v. Raleigh County Bd. of Educ.*, Docket No. 89-41-232 (Dec. 14, 1989). A preponderance of the evidence is evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; that is, evidence which as a whole shows that the fact sought to be proven

is more probable than not. *Petry v. Kanawha County Bd. of Educ.*, Docket No. 96-20-380 (Mar. 18, 1997).

The authority of a county board of education to discipline an employee must be based upon one or more of the causes listed in WEST VIRGINIA CODE § 18A-2-8, and must be exercised reasonably, not arbitrarily or capriciously. *Bell v. Kanawha County Bd. of Educ.*, Docket No. 91-20-005 (Apr. 16, 1991). *See Beverlin v. Bd. of Educ.*, 158 W. Va. 1067, 216 S.E.2d 554 (1975). WEST VIRGINIA CODE § 18A-2-8 provides that "[A] board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge."

The term immorality as used in the statute "connotes conduct 'not in conformity with accepted principles of right and wrong behavior; contrary to the moral code of the community; wicked; especially, not in conformity with the acceptable standards of proper sexual behavior.'" *Golden v. Bd. of Educ. of County of Harrison*, 169 W. Va. 63, 285 S.E.2d 665, 668 (1981); *Hayes v. Kanawha County Bd. of Educ.*, Docket No. 94-20-1143 (June 28, 1995). "'Immoral conduct is conduct which is always wrong. Just as one can never be accidentally or unwittingly dishonest, immoral conduct requires at least an inference of conscious intent.' *See Hayes, [supra], citing Youngman v. Doerhoff*, 890 S.W.2d 330 (MOCC. 1994)." *Bell v. Mingo County Bd. of Educ.*, Docket No. 97-29-172 (Mar. 10, 1998); *Petry, supra.* "Possession of marijuana is illegal, and 'not in conformity

with accepted principles of right and wrong behavior.' *Golden, supra.*" *Miller v. Wood County Bd. of Educ.*, Docket No. 03-54-376 (Mar. 16, 2004).

Grievant was charged with "fabrication of a disciplinary incident." Certainly, this would be conduct which is wrong. However, Grievant did not fabricate the incident. She accurately reported that a student had made a threat, but, according to Respondent, she falsely stated that the threat had been made directly to her, rather than making clear that the threat had been made in Ms. Yost's Homeroom. Grievant pointed out that, rather than focusing on the threat made by the student, Ms. Figlioli's focus from the beginning of her investigation was on whether Grievant had made a clear and accurate report of the circumstances surrounding the threat when she hurriedly completed the Discipline Referral Form in order to get it to Ms. Figlioli as quickly as possible. It appears from the evidence that Grievant is quite correct in concluding that the seriousness of the threat took a back seat in this investigation.

The purpose of the Discipline Referral Form is obviously to report improper conduct by a student, and had Grievant falsely accused a student of threatening her, this would be a serious matter. There is no doubt that Grievant was told by Ms. Yost that a student threatened to harm her, and she reported this threat on the Discipline Referral Form. The circumstances under which the threat was made were handwritten quickly, did not provide a lot of detail, and were misleading at best, and the form was dated March 13, when the incident occurred March 14. While it is understandable that this would cause Ms. Figlioli some confusion, the major point was accurately reported, and generated an investigation, during which the details of the incident were made clear. When Ms. Figlioli spoke with Grievant, Grievant at first indicated that she did not want to get another teacher in trouble.

However, Grievant soon understood that she was going to have to disclose Ms. Yost's role, and she then made clear to Ms. Figlioli the circumstances surrounding the threat.

The only witness presented by Respondent at the level three hearing was Ms. Figlioli. Respondent presented unsworn statements which had been given by Ms. Figlioli's secretary and Ms. Yost, but did not offer any explanation for not calling these individuals to testify under oath, and subject their statements to cross-examination. The written statements, as well as Ms. Figlioli's rendition of what others told her, are hearsay. The undersigned has not been presented with any way to evaluate the credibility of Ms. Yost or Ms. Figlioli's secretary, except that Ms. Figlioli advised Ms. Yost early on that her failure to report the threat could be considered wilful neglect of duty, which may have caused Ms. Yost to embellish her story in order to deflect blame, and Ms. Figlioli did not find Ms. Yost credible enough to pursue disciplinary action against the student.

The Grievance Board has applied the following factors in assessing hearsay testimony: 1) the availability of persons with first hand knowledge to testify at the hearings; 2) whether the declarants' out of court statements were in writing, signed, or in affidavit form; 3) the agency's explanation for failing to obtain signed or sworn statements; 4) whether the declarants were disinterested witnesses to the events, and whether the statements were routinely made; 5) the consistency of the declarants' accounts with other information, other witnesses, other statements, and the statement itself; 6) whether collaboration for these statements can be found in agency records; 7) the absence of contradictory evidence; and 8) the credibility of the declarants when they made their

statements.[3] *Sinsel v. Harrison County Bd. of Educ.*, Docket No. 96-17-219 (Dec. 31, 1996); *Seddon v. W. Va. Dep't of Health/Kanawha-Charleston Health Dep't*, Docket No. 90-8-115 (June 8, 1990).

> Hearsay evidence is admissible in the grievance procedures for state and education employees, but there is no requirement, statutory or otherwise, that it be afforded any particular weight. Generally, written statements, even affidavits, may be discounted or disregarded unless the offering party can provide a valid reason for not presenting the testimony of the persons making them. *See, Seddon v. W.Va. Dept. of Health,* Docket No. 90-H-115 (Dec. 14, 1997).

Cook v. W. Va. Division of Corrections, Docket No. 96-CORR-037 (Oct. 31, 1997), Conclusion of Law No. 2. Respondent presented no explanation for not presenting Ms. Yost and Ms. Hatten at the level three hearing. The unsworn statements placed into evidence by Respondent are hearsay, entitled to little, if any, weight.

Respondent demonstrated that the Discipline Referral Form submitted by Grievant did not provide a clear statement of the circumstances under which the threat was made, and that this caused Ms. Figlioli some extra steps in her investigation. However, the form itself does not provide any space for the teacher to describe the circumstances of the threat, nor does it state that the circumstances are to be described completely and accurately. The form simply lists the possible infractions, and the teacher is to check the box in front of the infraction. Grievant, however, chose to hurriedly write a brief description in the margin on the form stating the threat that was made, and a very brief description of some of the circumstances which she believed had led to the threat. Although no

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[3]The United States Merit System Protection Board Handbook ("MSPB Handbook") set out these as factors to examine when assessing hearsay. See *Borninkhof v. Department of Justice,* 5 MSBP 150 (1981).

testimony was offered by either party on this, it would appear that the purpose of the form is to report only the type of infraction, which would then generate an investigation. Grievant insisted from the beginning that she never said that Z.Z. had made the threat directly to her, and indeed the handwritten statement on the form does not say that the statement was made to her, even though it was reasonable for Ms. Figlioli to make this assumption. While the undersigned can certainly understand why an administrator would tell Grievant that she needed to be more clear in the future when she wrote a statement on the Discipline Referral Form so that it was not confusing, that is where this should have ended, and Ms. Figlioli should have then focused on making sure her teacher was safe. To charge Grievant with fabrication of a disciplinary incident based on this brief description on the form when no description is even called for on the form, and when the investigation quickly revealed what had occurred, is ridiculous.

Apparently one of the issues raised by the hearsay is the allegation that Grievant "back-dated" the Discipline Referral Form, as was indicated by Ms. Yost's statement, and Ms. Figlioli's recollection that Grievant had told her the incident occurred on March 12, rather than the date on the form, March 13. The date the incident occurred was actually March 14. Grievant testified that she simply put the wrong date on the form when she completed it, because she was not looking at a calendar. While it is certainly curious that Ms. Yost would come up with the idea that Grievant had back-dated the form on her own, Ms. Yost was not presented for cross-examination so that Grievant would have the opportunity to question her statement. The undersigned cannot conclude, based on this hearsay testimony, that Respondent demonstrated that Grievant intentionally placed the wrong date on the form. Ms. Figlioli's recollection that Grievant had told her the incident

occurred on March 12 (when she spoke with her over the telephone telling her Z.Z. was absent on March 13) is more persuasive, but it is not dispositive. Grievant's testimony was given under oath, and she was cross-examined extensively. The undersigned must determine the credibility of Grievant's testimony.

In situations where the existence or nonexistence of certain material facts hinges on witness credibility, detailed findings of fact and explicit credibility determinations are required. *Jones v. W. Va. Dep't of Health & Human Res.*, Docket No. 96-HHR-371 (Oct. 30, 1996); *Pine v. W. Va. Dep't of Health & Human Res.*, Docket No. 95-HHR-066 (May 12, 1995). An Administrative Law Judge is charged with assessing the credibility of the witnesses. *See Lanehart v. Logan County Bd. of Educ.*, Docket No. 95-23-235 (Dec. 29, 1995); *Perdue v. Dep't of Health and Human Res./Huntington State Hosp.*, Docket No. 93-HHR-050 (Feb. 4, 1993).

The Grievance Board has applied the following factors to assess a witness's testimony: 1) demeanor; 2) opportunity or capacity to perceive and communicate; 3) reputation for honesty; 4) attitude toward the action; and 5) admission of untruthfulness. Additionally, the administrative law judge should consider 1) the presence or absence of bias, interest, or motive; 2) the consistency of prior statements; 3) the existence or nonexistence of any fact testified to by the witness; and 4) the plausibility of the witness's information. *See Holmes v. Bd. of Directors/W. Va. State College*, Docket No. 99-BOD-216 (Dec. 28, 1999); *Perdue, supra*.

Grievant's testimony under oath was direct, consistent, and clear. She at no time wavered in response to questions, and was justifiably dismayed that her credibility was

being questioned while the student who threatened her did not receive so much as a reprimand. Respondent's counsel even questioned Grievant's credibility regarding the incident in which the student injured her by hitting her with the gym bag, asking her what was in the gym bag, and whether she had a previous injury. Ms. Figlioli read her testimony regarding the investigation from a written statement she had prepared prior to the hearing, and it was clear that from the beginning of the investigation she was more intent on criticizing Grievant and Ms. Yost than she was on determining whether a student had threatened a teacher. The undersigned finds Grievant to be a credible witness. Respondent did not demonstrate that Grievant intentionally placed the wrong date on the Discipline Referral Form.

Although it is not entirely clear, it appears that Grievant was also charged with making a false statement to Ms. Figlioli regarding her graduate course, when she told Ms. Figlioli that she could not stay after school on March 14, 2012, because she had a graduate course that evening. Respondent asserted that Grievant did not have a graduate course that evening based on Ms. Yost's hearsay statement to Ms. Figlioli, as testified to by Ms. Figlioli, that when Grievant called Ms. Yost sometime that evening she said she had been walking her dogs, and the fact that the college Grievant was attending was on spring break. Grievant, however, testified that her graduate level course was held during spring break, and she did, in fact, attend class that evening. The undersigned cannot find that Respondent's speculation and hearsay evidence is sufficient to demonstrate that Grievant lied to Ms. Figlioli, or that she lied under oath. Moreover, even if she had lied to Ms. Figlioli about this, it certainly was not significant enough to warrant a suspension.

The following Conclusions of Law support the decision reached.

Conclusions of Law

1. The burden of proof in disciplinary matters rests with the employer, and the employer must meet that burden by proving the charges against an employee by a preponderance of the evidence. *Ramey v. W. Va. Dep't of Health*, Docket No. H-88-005 (Dec. 6, 1988).

2. WEST VIRGINIA CODE § 18A-2-8 provides that "[A] board may suspend or dismiss any person in its employment at any time for: Immorality, incompetency, cruelty, insubordination, intemperance, willful neglect of duty, unsatisfactory performance, the conviction of a felony or a guilty plea or a plea of nolo contendere to a felony charge." "Although reprimands are not specifically addressed in W. VA. CODE § 18A-2-8, the Grievance Board has previously recognized that lesser penalties can be imposed for the offenses listed in this statute. *See Wahl v. Mineral County Bd. of Educ.*, Docket No. 98-28-175 (Sept. 14, 1998); *See also Blankenship v. Mingo County Bd. of Educ.*, Docket No. 97-29-486 (Apr. 17, 1998)." *Showalter v. Marshall County Bd. of Educ.*, Docket No. 07-25-165 (May 28, 2008).

3. The authority of a county board of education to discipline an employee must be based upon one or more of the causes listed in WEST VIRGINIA CODE § 18A-2-8, and must be exercised reasonably, not arbitrarily or capriciously. *Bell v. Kanawha County Bd. of Educ.*, Docket No. 91-20-005 (Apr. 16, 1991). *See Beverlin v. Bd. of Educ.*, 158 W. Va. 1067, 216 S.E.2d 554 (1975).

4. The term immorality, as used in the statute, "connotes conduct 'not in conformity with accepted principles of right and wrong behavior; contrary to the moral code

of the community; wicked; especially, not in conformity with the acceptable standards of proper sexual behavior.'" *Golden v. Bd. of Educ. of County of Harrison*, 169 W. Va. 63, 285 S.E.2d 665, 668 (1981); *Hayes v. Kanawha County Bd. of Educ.*, Docket No. 94-20-1143 (June 28, 1995). "'Immoral conduct is conduct which is always wrong. Just as one can never be accidentally or unwittingly dishonest, immoral conduct requires at least an inference of conscious intent.' *See Hayes, [supra], citing Youngman v. Doerhoff*, 890 S.W.2d 330 (MOCC. 1994)." *Bell v. Mingo County Bd. of Educ.*, Docket No. 97-29-172 (Mar. 10, 1998); *Petry, supra.*

5. Respondent did not demonstrate that Grievant falsified a disciplinary incident, or that she lied during the investigation.

Accordingly, this grievance is **GRANTED.** The five-day suspension is **ORDERED** rescinded and removed from all files maintained by Respondent, and Respondent is **ORDERED** to pay Grievant back pay for the five days she was suspended, and to restore all other benefits lost by Grievant as a result of the five-day suspension.

Any party may appeal this Decision to the Circuit Court of Kanawha County. Any such appeal must be filed within thirty (30) days of receipt of this Decision. *See* W. VA. CODE § 6C-2-5. Neither the West Virginia Public Employees Grievance Board nor any of its Administrative Law Judges is a party to such appeal and should not be so named. However, the appealing party is required by W. VA. CODE § 29A-5-4(b) to serve a copy of the appeal petition upon the Grievance Board. The Civil Action number should be included so that the certified record can be properly filed with the circuit court. *See also* 156 C.S.R. 1 § 6.20 (2008).

BRENDA L. GOULD
Acting Deputy Chief
Administrative Law Judge

Date: October 29, 2012