

THE WEST VIRGINIA PUBLIC EMPLOYEES GRIEVANCE BOARD

**THOMAS JACKSON HAUGHT, and
JOHN WILLIAM LEARY,
Grievants,**

v.

Docket No. 2026-0277-CONS

**HANCOCK COUNTY BOARD OF EDUCATION,
Respondent, and**

**JASON CHARLES ANGLE,
Intervenor.**

DECISION

Grievant Thomas Jackson Haught was previously selected for a coaching position, a decision that was grieved in previous grievance. The level one decision in that matter ordered that a new selection decision be undertaken. A second selection decision was made awarding the position to Jason Charles Angle. Grievant Haught and Grievant John William Leary, an applicant for the position, filed separate grievances challenging the selection decision. Subsequently, Mr. Angle requested to intervene in both grievances. Mr. Angle was granted intervenor status, and the above grievances were consolidated. The parties agreed to proceed to level three, together with a stipulation of facts, in order to expedite the grievance process.

A level three hearing was conducted before the undersigned on December 19, 2025, at the Grievance Board's Westover office. Grievant Haught appeared in person and by his counsel, David L. Delk, Jr., Grove, Holmstrand & Delk, PLLC. Grievant Leary appeared *pro se*. The Hancock County Board of Education appeared by its counsel, Kimberly S. Croyle, Bowles Rice, LLP. Intervenor Jason Charles Angle appeared by his

representative, Don Bucher, West Virginia Professional Educators. This matter became mature for consideration upon receipt of the last of the parties' proposed Findings of Fact and Conclusions of Law on December 29, 2025.

Synopsis

This grievance arises from the selection of Intervenor Jason Angle as Head Boys' Basketball Coach at Weir High School following a level one decision that vacated the prior selection decision for the position. Grievants Haught and Leary, both unsuccessful applicants, challenge this selection. In a non-selection grievance, Grievants bear the burden of proving, by a preponderance of the evidence, that they should have been selected for the position rather than another applicant, by establishing that they were the most qualified applicants, or that there was such a substantial flaw in the selection process that the outcome may have been different if the proper process had been used. Neither Grievant proved that he was the most qualified candidate. Neither Grievant established that his qualifications were not fully considered and compared to those of the Intervenor, and neither has proven entitlement to the position at issue. Neither Grievant established that Respondent acted in an arbitrary and capricious manner or otherwise abused its discretion. This grievance is denied.

The following Findings of Fact are based on the record of the case.

Findings of Fact

1. On April 14, 2025, the head basketball coach at Weir High School resigned, effective for the 2025-2026 school year. Thereafter, Hancock County Board of Education posted a vacancy for the head basketball coach at Weir High School.

2. Grievants and Intervenor were among the 14 people that originally applied for the position.

3. On June 23, 2025, Grievant Haught was recommended by Superintendent Enich and selected by the board of education to fill the position.

4. Grievant Leary and Intervenor Angle grieved the appointment of Grievant Haught, along with another unsuccessful applicant.

5. Following conferences at level one, on August 27, 2025, the Chief Administrator's Designee issued a decision granting, in part, and denying, in part, the grievance.

6. The level one decision states:

The grievance is granted to the extent that the Grievants have shown that there was a fundamental flaw in the process used by the high school to determine the relative qualifications of the applicants. That flaw led to the recommendation of 3 candidates for final review by the Superintendent. While the Superintendent has broad discretion based upon a review of the applicants, the errors identified at the high school call into question the outcome of the process. However, the Grievants have failed to prove that any one of them would be the most qualified applicant for the position. Therefore, the position is vacated and the superintendent is directed to review all of the original applicants for the position and, using a process that fairly evaluates the relative qualifications of the applicants, including their basketball acumen, and recommend to the board the most qualified applicant for the position.

7. Weir High School Principal Sean Blumette was directed to review the original applications and recommend the most qualified applicant, conducting interviews if deemed necessary to determine the same.

8. Principal Blumette reviewed the original applications and selected 4 applicants to interview: Mr. Haught, Mr. Leary, Mr. Angle, and Mr. Horstman. Mr. Horstman declined the interview and withdrew his application.

9. Principal Blumette formed an interview committee consisting of Athletic Director Richard Shilling, Assistant Principal Chris Hill, Emily Hores, Kayla Violent, and himself.

10. The committee asked the same six questions of each interviewee. The committee asked the following questions:

A. Talk to us about your background and experience in coaching and with basketball in general.

B. What values do you want your teams to embody?

C. How do you work with non-starters or role players to ensure they feel valued by the team?

D. What is your preferred philosophy for offense and defense? How do you teach situational awareness within that philosophy?

E. How do you determine short- and long-term goals within your program? What would it look like?

F. How do you plan on integrating youth and MS programs into the overall basketball program at WHS to encourage participation?

11. Principal Blumette then ranked each interviewee based on the matrix set forth in WEST VIRGINIA CODE § 18A-4-7a and determined that the Intervenor, Jason Angle, was the most qualified for the position.

12. The superintendent reviewed the applications, the interview notes, and the matrix and concurred with the recommendation of the committee.

13. Grievant Haught had no head coaching experience at the high school level, nor did he have any head coaching experience for a school team. He had one year of

assistant coaching experience as the assistant coach at Weir High School during the 2024-2025 school year. Grievant Haught was credited with seven years of experience.

14. Grievant Leary, the current girls' softball coach at Weir High School, was credited with twenty-six years of experience in similar positions and describing thirty-eight years of experience during his interview.

15. Intervenor Angle was credited with twenty-eight years of experience in similar positions, having coached basketball at Oak Glen High School, Weir High School and Weir Middle School, including head coaching experience and assistant coach experience.

16. Superintendent Enich interviewed Intervenor and Grievant Haught as part of the selection process. Superintendent Enich ultimately recommended Intervenor Angle based on his experience and the recommendation of the second committee.

Discussion

As this grievance does not involve a disciplinary matter, Grievants have the burden of proving their grievance by a preponderance of the evidence. Procedural Rules of the W. Va. Public Employees Grievance Bd. 156 C.S.R. 1 § 3 (2018); *Holly v. Logan County Bd. of Educ.*, Docket No. 96-23-174 (Apr. 30, 1997); *Hanshaw v. McDowell County Bd. of Educ.*, Docket No. 33-88-130 (Aug. 19, 1988). "A preponderance of the evidence is evidence 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 proved is more probable than not." *Petry v. Kanawha County Bd. of Educ.*, Docket No. 96-20-380 (Mar. 18, 1997). In other words, "[t]he preponderance standard generally requires proof that a reasonable person would accept as sufficient that a contested fact is more

likely true than not.” *Leichliter v. W. Va. Dep’t of Health & Human Res.*, Docket No. 92-HHR-486 (May 17, 1993).

In a non-selection grievance, Grievants bear the burden of proving, by a preponderance of the evidence, that they should have been selected for the position, rather than another applicant, by establishing that they were more qualified, or that there was such a substantial flaw in the selection process that the outcome may have been different if the proper process had been used. *Lilly v. Summers County Bd. of Educ.*, Docket No. 90-45-040 (Oct. 17, 1990) *aff’d* Circuit Court of Kanawha County, No. 90-AA-181 (Mar. 25, 1993).

County boards of education have substantial discretion in matters relating to the hiring, assignments, transfer, and promotion of school personnel. *Dillon v. Bd. of Educ. of County of Wyoming*, 177 W. Va. 145, 351 S.E.2d 58 (1986). Normally, a board is subject to the provisions of W. VA. CODE § 18A-4-7a when filling a position, but this Grievance Board has determined that section is inapplicable to the selection of professional personnel for extracurricular assignments, such as coaching positions. *DeGamo v. Wood County Bd. of Educ.*, Docket No. 04-54-062 (Mar. 19, 2004). The standard of review for filling coaching positions is to assess whether the Board abused its broad discretion in the selection or acted in an arbitrary or capricious manner. *Dillon, supra*; *Chaffin v. Wayne County Bd. of Educ.*, Docket No. 92-50-398 (July 27, 1993).

"Generally, an action is considered arbitrary and capricious if the agency did not rely on criteria intended to be considered, explained or reached the decision in a manner contrary to the evidence before it, or reached a decision that was so implausible that it

cannot be ascribed to a difference of opinion. See *Bedford County Memorial Hosp. v. Health and Human Serv.*, 769 F.2d 1017 (4th Cir. 1985); *Yokum v. W. Va. Schools for the Deaf and the Blind*, Docket No. 96-DOE-081 (Oct. 16, 1996)." *Trimboli v. Dep't of Health and Human Res.*, Docket No. 93-HHR-322 (June 27, 1997). Arbitrary and capricious actions have been found to be closely related to ones that are unreasonable. *State ex rel. Eads v. Duncil*, 196 W. Va. 604, 474 S.E.2d 534 (1996). A grievant must therefore prove by a preponderance of the evidence that he would have been hired but for an arbitrary and capricious decision or an abuse of discretion by the board of education.

The record of this case failed to establish by a preponderance of the evidence that either Grievant was the most qualified for the coaching position. In addition, the record failed to establish by a preponderance of the evidence that the selection process was significantly flawed. The focus of the level three evidence was a criticism of the process that the interview committee was not qualified to determine the qualifications of the applicants. In fact, Grievant Haught continued in his proposals to attack the lower-level decision since he was not able to intervene and had no knowledge of the first grievant. Grievants also complain that Board Member Horstman did not recuse himself from participation in approving the Superintendent's recommendation, even though recusal would not be necessary because Mr. Horstman's son was no longer a candidate for the position.

Relating to the qualifications of the interview committee, Principal Blumette explained that three of the committee members, including himself, Athletic Director Shilling, and Assistant Principal Hill, had extensive experience as athletic directors and as coaches. He also explained that the faculty senate president and committee

representative were those representatives that would be used to interview for vacancies pursuant to Hancock County Schools Policy GCA. This policy requires the coach to “have the ability, skills, and knowledge to execute the responsibilities of the position, as delineated in section 25.1 of State Policy 5310. This policy tasks principals, assistant coaches and athletic directors with evaluating the performance of all coaches and creating improvement plans for those coaches when their performance is viewed as unsatisfactory. The policy does not require that anyone be a coach of a particular sport to make those determinations.

The record indicated that Respondent prepared a matrix for the position as a comparative tool when assessing the interviewed applicants as they progressed through the selection process. The matrix was completed through an evaluation of various materials, including the applications and the in-person interview. The Interview Committee reviewed and considered the information and data about the applicants from a variety of sources and determined that the Intervenor had “ability, skills, and knowledge to execute the responsibilities of the position, as delineated in section 25.1 of State Policy 5310.”

The undersigned has previously ruled in *Pennacchio v. Hancock County Board of Education*, Docket No. 2010-1432-HanED (April 27, 2011), in a similar grievance, that “Respondent made a coach selection based on the subjective and objective criteria contained in its coaches’ selection policy. All the factors required to be considered by the policy were considered. The evidence does not support Grievant’s assertion that the choice was arbitrary and capricious or an abuse of discretion.”

Finally, addressing Grievants' assertion that Board Member Horstman was barred from voting on the Superintendent's recommendation, this assertion is without merit. Counsel for Grievant Haught submits that Mr. Horstman cast the deciding vote for Jason Angle, who was the only potential coach who intended to use Mr. Horstman's son as an assistant coach. While this was submitted in the proposals of Grievant Haught, it was not developed on the record of the case. It is undisputed that Board Member Horstman's son withdrew his name from consideration and was no longer an applicant for the coaching position. It is also undisputed that Mr. Horstman's son did not go through the interview process relevant to this case. In short, Grievants have failed to prove that either one of them was more qualified than the Intervenor or that the selection process was so flawed that it requires that the position be vacated.

The following Conclusions of Law support the decision reached.

Conclusions of Law

1. As this grievance does not involve a disciplinary matter, Grievants have the burden of proving their grievance by a preponderance of the evidence. Procedural Rules of the W. Va. Public Employees Grievance Bd. 156 C.S.R. 1 § 3 (2018); *Holly v. Logan County Bd. of Educ.*, Docket No. 96-23-174 (Apr. 30, 1997); *Hanshaw v. McDowell County Bd. of Educ.*, Docket No. 33-88-130 (Aug. 19, 1988). "A preponderance of the evidence is evidence 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 proved is more probable than not." *Petry v. Kanawha County Bd. of Educ.*, Docket No. 96-20-380 (Mar. 18, 1997). In other words, "[t]he preponderance standard generally requires proof that a reasonable person would accept as sufficient that a contested fact

is more likely true than not.” *Leichliter v. W. Va. Dep’t of Health & Human Res.*, Docket No. 92-HHR-486 (May 17, 1993).

2. In a non-selection grievance, Grievants bear the burden of proving, by a preponderance of the evidence, that they should have been selected for the position, rather than another applicant, by establishing that they were more qualified, or that there was such a substantial flaw in the selection process that the outcome may have been different if the proper process had been used. *Lilly v. Summers County Bd. of Educ.*, Docket No. 90-45-040 (Oct. 17, 1990) *aff’d* Circuit Court of Kanawha County, No. 90-AA-181 (Mar. 25, 1993).

3. County boards of education have substantial discretion in matters relating to the hiring, assignments, transfer, and promotion of school personnel. *Dillon v. Bd. of Educ. of County of Wyoming*, 177 W. Va. 145, 351 S.E.2d 58 (1986). Normally, a board is subject to the provisions of W. VA. CODE § 18A-4-7a when filling a position, but this Grievance Board has determined that section is inapplicable to the selection of professional personnel for extracurricular assignments, such as coaching positions. *DeGamo v. Wood County Bd. of Educ.*, Docket No. 04-54-062 (Mar. 19, 2004). The standard of review for filling coaching positions is to assess whether the Board abused its broad discretion in the selection or acted in an arbitrary or capricious manner. *Dillon, supra*; *Chaffin v. Wayne County Bd. of Educ.*, Docket No. 92-50-398 (July 27, 1993).

4. "Generally, an action is considered arbitrary and capricious if the agency did not rely on criteria intended to be considered, explained or reached the decision in a manner contrary to the evidence before it, or reached a decision that was so implausible

that it cannot be ascribed to a difference of opinion. See *Bedford County Memorial Hosp. v. Health and Human Serv.*, 769 F.2d 1017 (4th Cir. 1985); *Yokum v. W. Va. Schools for the Deaf and the Blind*, Docket No. 96-DOE-081 (Oct. 16, 1996)." *Trimboli v. Dep't of Health and Human Res.*, Docket No. 93-HHR-322 (June 27, 1997). Arbitrary and capricious actions have been found to be closely related to ones that are unreasonable. *State ex rel. Eads v. Duncil*, 196 W. Va. 604, 474 S.E.2d 534 (1996). A grievant must therefore prove by a preponderance of the evidence that he would have been hired but for an arbitrary and capricious decision or an abuse of discretion by the board of education.

5. Grievants have failed to establish that they were more qualified than the Intervenor. Grievants have failed to prove that the hiring process was lacking in fundamental fairness or was otherwise flawed to such a degree as to call into question the outcome of the selection process.

Accordingly, this grievance is **DENIED**.

"An appeal of the decision of the administrative law judge shall be to the Intermediate Court of Appeals in accordance with § 51-11-4(b)(4) of this code and the Rules of Appellate Procedure." W. VA. CODE § 6C-2-5(b). Neither the West Virginia Public Employees Grievance Board nor any of its Administrative Law Judges is a party to such an appeal and should not be named as a party to the appeal. However, the appealing party must serve a copy of the petition upon the Grievance Board by registered or certified mail. W. VA. CODE § 29A-5-4(b).

Date: February 11, 2026

Ronald L. Reece
Administrative Law Judge