BARRY ARNOLD

v. Docket No. 97-BOT-130

BOARD OF TRUSTEES/WEST VIRGINIA UNIVERSITY

O R D E R

Grievant, Barry Arnold, filed a level four grievance appeal on March 13, 1997, alleging a violation of W.Va. Code §18B-7-11. He specifically asserts an inconsistent application of policy regarding compensatory overtime. A level four hearing was scheduled for Wednesday, April 9, 1997. By letter dated March 24, 1997, Grievant requested subpoenas for five individuals.

Respondent has filed a Motion to Quash the subpoenas, noting that the individuals will only testify as to their interpretation of the law, and that said opinions are irrelevant and immaterial. Respondent also filed a Motion for Summary Judgment, stating that the law is clear and unambiguous. Grievant responded to the Motions in a timely fashion.

Based upon a review of the record in its entirety, both the Motion to Quash and the Motion for Summary Judgment are hereby **DENIED**.

Dated: July 30, 1997 _____

Sue Keller

Senior Administrative Law Judge