

**WEST VIRGINIA PUBLIC EMPLOYEES  
GRIEVANCE BOARD**

**SYNOPSIS REPORT**

**Decisions Issued in February 2023**

The Board's monthly reports are intended to assist public employers covered by a grievance procedure to monitor significant personnel-related matters which came before the Grievance Board, and to ascertain whether any personnel policies need to be reviewed, revised or enforced. W. Va. Code §18-29-11(1992). Each report contains summaries of all decisions issued during the immediately preceding month.

If you have any comments or suggestions about the monthly report, please send an e-mail to [wvgb@wv.gov](mailto:wvgb@wv.gov).

NOTICE: These synopses in no way constitute an official opinion or comment by the Grievance Board or its administrative law judges on the holdings in the cases. They are intended to serve as an information and research tool only.

**TOPICAL INDEX**  
**COUNTY BOARDS OF EDUCATION**  
**PROFESSIONAL PERSONNEL**

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**KEYWORDS:** Motion to Dismiss; Resignation; Mutual Agreement; Employee; Employer; Employment Agreement

**CASE STYLE:** Terango v. Lewis County Board of Education

DOCKET NO. 2023-0229-LewED (2/21/2023)

**PRIMARY ISSUES:** Whether Respondent has proven by a preponderance of the evidence that Grievant resigned his employment by mutual agreement, and therefore lacks standing before the Public Employees Grievance Board.

**SUMMARY:** Grievant was employed by the Lewis County Board of Education as a classroom teacher during the 2021-22 school year. On February 1, 2022, Grievant entered into an agreement that provided he resign his employment effective at the conclusion of the 2021-2022 contract year. Respondent acknowledged that it neglected to fulfill a term of the agreement. Grievant indicated that Respondent failed to make a payment in satisfaction of this term in his level two appeal. Upon receipt of the level two appeal, Respondent satisfied the neglected term of the agreement which led Grievant to depart from employment. Respondent has established by a preponderance of the evidence that Grievant is no longer an employee of the Lewis County Board of Education. Grievant lacks standing before the West Virginia Public Employees Grievance Board.