

No. 31156 – *Mitzi Akers v. The Board of Education of the County of Raleigh*

FILED

December 5, 2003

**RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA**

McGraw, J., dissenting:

I dissent from the majority's decision in this case because the summer Medicaid Billing Review position for which Appellant applied and for which she is qualified, is clerical, rather than professional, in nature. The position, as posted, does not require any professional licensure or professional certification. In my view, therefore, Appellant, the most senior service personnel applicant for the position, should have been awarded one of the four summer positions.

For the reasons stated, I respectfully dissent.