

Albright, Justice, concurring:

I concur in the conclusion that summary judgement was proper in this case because the appellant here did not exhaust his administrative remedies. However, I agree with the opinion of Chief Justice McHugh and Justice Cleckley stated in their dissent that the questions of the existence of a contract, the effectiveness of the disclaimer and whether the City complied with the handbook's procedures for termination of an employee are more appropriately jury questions, as the Chief Justice made clear in his dissent in *Suter v. Harsco Corp.*, 184 W. Va. 734, 738, 403 S.E.2d 751, 755 (1991).