

Eaton v. City of Parkersburg

No. 22846

McHugh, Chief Justice, dissenting:

I disagree with the conclusion of the majority that summary judgment was proper in this case. I am of the opinion 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. In Suter v. Harsco Corp., 184 W. Va. 734, 738, 403 S.E.2d 751, 755 (1991), in a dissent joined by Justice Miller, I articulated my concerns regarding these types of issues. Those concerns remain with me.

I am authorized to state that Justice Cleckley joins me in this dissent.