

No. 25950 -- Tom's Convenient Food Mart, Inc., dba Whitewater Information v. The West Virginia Human Rights Commission and Charles Akins

FILED

December 15, 1999

DEBORAH L. McHENRY, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

RELEASED

December 17, 1999

DEBORAH L. McHENRY, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Maynard, Justice, dissenting:

I dissent in this case because I believe that the appellee failed to prove that he was fired because of his age.

The evidence in this case shows that the appellee was fired because he was rude and belligerent to his boss and to a co-worker. Employers in this State still have a right to terminate employees who are rude and who cause trouble in the workplace. Further, neither the Human Rights Commission nor this Court should be in the business of micro-managing the legitimate employment decisions of employers.

The result of this decision is that a disruptive employee is awarded an undeserved windfall because he hid behind the protection of our anti-discrimination law, and an innocent employer who rightly fired a troublemaker is punished. This is not the purpose of the Human Rights Act. Accordingly, I dissent.