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OF WEST VIRGINIA

Starcher, J., concurring:

I am more than sympathetic to the plight of the administrator of the Office of the Chief Medical Examiner. All parties agree that the Office of the Chief Medical Examiner inherited somewhat of a mess, and is trying to improve the situation.

Given that situation, firing a long-term satisfactory low-level employee without a meaningful improvement period was overkill in this case. If Mr. Sloan had been a top administrator, I would have little problem with the Office of the Chief Medical Examiner's action. But despite his title as "Chief" Investigator, Mr. Sloan's actual salary was more like that of a good typist, and his duties were essentially ministerial.

This is why I joined the majority.