

**No. 31672 – *Kevin Durig v. The Board of Education of the County of Wetzel***

**FILED**

**July 21, 2004**

released at 3:00 p.m.

RORY L. PERRY II, CLERK

SUPREME COURT OF APPEALS

OF WEST VIRGINIA

McGraw, Justice, concurring:

I concur with the majority in this case, as I believe the record is replete with evidence that the Appellant performed essentially identical duties as the two 261-day contract employees and, accordingly, is entitled to a 261-day contract and the benefits associated therewith. I depart from the majority only to the extent that, in my view, the Appellant should have also been awarded back pay.

Based upon the above, I respectfully concur.