

GLENN I. HODGE, JR. v. NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION and NORRIS TOLSON, Secretary of the North Carolina  
Department of Transportation

No. 170A00

(Filed 6 October 2000)

**Public Officers and Employees--reinstatement--chief internal auditor--internal auditor--  
not similar positions**

The decision of the Court of Appeals in this case is reversed for the reason stated in the dissenting opinion in the Court of Appeals that plaintiff's current position of internal auditor with the DOT does not constitute reinstatement to a position similar to that of Chief Internal Auditor which he formerly held even though plaintiff's pay grade is the same.

Appeal by plaintiff pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 137 N.C. App. 247, 528 S.E.2d 22 (2000), reversing and remanding an order for summary judgment entered 12 February 1999 by Cashwell, J., in Superior Court, Wake County. Heard in the Supreme Court 13 September 2000.

*Broughton, Wilkins & Sugg, P.A., by Randolph Palmer Sugg,  
for plaintiff-appellant.*

*Michael F. Easley, Attorney General, by Robert O. Crawford,  
III, Special Deputy Attorney General, and Sarah Ann Lannom  
and Tina A. Krasner, Assistant Attorneys General, for  
defendant-appellees.*

PER CURIAM.

For the reasons stated in the dissenting opinion by Judge Walker, the decision of the Court of Appeals is reversed.

REVERSED.