



Cabell jury rules Tri-State Coating & Machine Co. did not discriminate

Kyla Asbury (/author/kyla-asbury) Jul. 31, 2012, 2:41am

HUNTINGTON – A jury has ruled that Tri-State Coating & Machine Co. did not discriminate against a former employee when it terminated his employment.

The jury made its verdict on Nov. 13, 2014, according to an order filed Dec. 2 in Cabell Circuit Court.

The court accepted the jury's verdict and found the verdict form was properly executed, according to the document.

The trial began on Nov. 12, and the jury returned a verdict the following day.

The lawsuit was initially filed on July 19, 2012 in Cabell Circuit Court.

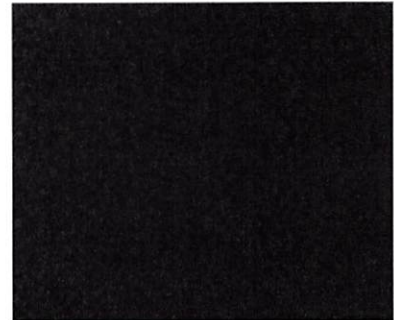
Tony L. Bowen claimed in July 2010, he began experiencing a racing heart beat and shortness of breath and on Aug. 4, 2010, he became concerned with his condition and requested time off work to go to the hospital.

Bowen claimed he went to Nowcare at Huntington Internal Medical Group, and a physician noted that his heart rate was abnormal and that tachycardia was present.

The physician administered oxygen to Bowen and had him medically transported to St. Mary's Medical Center, according to the suit.

Bowen claimed rather than granting time off of work to have his tachycardia checked, the defendant terminated his employment without reason, by letter dated Aug. 4, 2010.

The defendant's actions were atrocious, intolerable and so extreme and outrageous as to exceed all bounds of professional decency, according to the suit.



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substantially certain that emotional distress would result from the conduct.

The defendant's conduct did cause Bowen to suffer severe emotional distress, which occurred at a particularly poor time for him because he was suffering from an un-medicated heart condition at the time of his discharge, according to the suit.

Bowen was seeking compensatory and punitive damages with pre-judgment interest. He is being represented by J. Patrick L. Stephens and Mark F. Underwood.

Tri-State was represented by Ronald J. Flora.

Circuit Judge Christopher D. Chiles presided over the case.

Cabell Circuit Court case number: 12-C-463

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