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## Hurricane woman says she was fired over workers' comp claim

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By Justin Anderson -Kanawha Bureau

CHARLESTON -- A Hurricane woman claims she was fired as a nursing assistant because she filed a workers' compensation claim.

Melinda Cornett filed a lawsuit against Genesis Healthcare Corp. in Kanawha Circuit Court on Feb. 25.

Cornett claims she was hired to work as a nursing assistant in Genesis' Marmet Health Care Center in January 2007. Her complaint says she was a good employee who got pay raises during her time there.

In June 2008, Cornett was injured on the job and sought medical attention the same day, the complaint says. Then she filed a workers' compensation claim.

On June 9, Cornett said she was fired due to her absence from work. But the company re-hired her on June 30 after it was noticed of the workers' compensation claim, the complaint says.

On Nov. 24, Cornett claims she was cleared to return to work on modified duty on Dec. 1. Cornett said she immediately called April Albaugh -- who was in charge of scheduling -- to inform her of when she'd be returning to work.

But Cornett claims Albaugh never called her back and didn't respond to an e-mail. Cornett claims she tried over the next few days to reach Albaugh to no avail.

On Dec. 1, she says she called Jason Jones, the administrator at the Marmet facility, regarding her planned return to work.

She claims Jones told her she had been fired due to her failure to contact them in a timely manner regarding the issue.

Cornett is suing for unlawful discharge and unlawful discrimination. She's seeking damages including pre- and post-judgment interest and legal fees.

Cornett is represented by Erica N. Lord. The case has been assigned to Kanawha Circuit Judge Jennifer Bailey Walker.

*Kanawha Circuit Court case number: 09-C-328*

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