

RICHARD W. LEE, Petitioner v. NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION, Respondent

No. 119A06

FILED: 6 OCTOBER 2006

Appeal pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 176 N.C. App. ___, 625 S.E.2d 567 (2006), affirming in part and reversing in part an order signed 10 June 2004 by Judge Abraham Penn Jones in Superior Court, Wake County. Heard in the Supreme Court 11 September 2006.

Alan McSurely for petitioner-appellee.

*Roy Cooper, Attorney General, by Tina A. Krasner,
Assistant Attorney General, for respondent-appellant.*

PER CURIAM.

The decision of the Court of Appeals is affirmed. We remand to the Court of Appeals for further remand to the trial court with instructions to determine the appropriate remedy for petitioner's discrimination claim.

AFFIRMED AND REMANDED.