

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

M. C. A. D.,
TAYLOR BRYAN & ELIJAH
BRYAN,
Complainants

v.

DOCKET NO. 09-BPR-00373

BERGANTINO REALTY
TRUST, PAULINE M. &
ANGELO BERGANTINO,
TRUSTEES & JOHN FEDERICO
Respondents¹

DECISION OF THE FULL COMMISSION WITH RESPECT
TO RESPONDENT FEDERICO

On October 6, 2011, Hearing Officer Judith Kaplan issued a decision in favor of Complainants in the above-entitled matter. Respondents were duly notified of the decision and their appeal rights. Respondent Federico filed a Notice of Appeal and a Petition for Review to the Full Commission on October 17, 2011.

On October 27, 2011, Complainants filed a Notice of Intervention and Opposition to Federico's Petition for Review for failure to meet the requirements for a petition for review as set forth in the Commission's regulations.

The Commission's Rules of Procedure require that an aggrieved party must file a Notice of Appeal to the Full Commission, pursuant to 804 C.M.R. 1.23(1). The Commission's Rules of Procedure further require that an aggrieved party must file a Petition for Review within 30 days of receipt of the decision of the single commissioner or hearing officer, setting forth:

¹Respondents Bergantino Realty Trust, Pauline M. & Angelo Bergantino, Trustees have entered into a stipulation of dismissal with Complainants.

(a) facts showing the appellant to be aggrieved; (b) All matters alleged to have been erroneously decided; (c) all other matters on which the appellant relies and (d) the relief sought.

Federico's Petition for Review did not meet the requirements of the above-referenced rules of procedure. The Petition for Review simply states that Federico... "being aggrieved by the decision of the Commission dated October 6, 2011, hereby Petitions for Review with the Commission." Federico's petition did not state facts showing him to be aggrieved, did not set forth all matters alleged to have been erroneously decided, or any other matters or the relief sought. We therefore conclude that Federico's appeal shall be dismissed for failure to comport with the Commission's requirements of a Petition for Review.

Whereas Federico has failed to perfect his appeal by failing to comply with the requisites of a Petition for Review, the appeal is dismissed. Accordingly, the decision of the hearing officer is final and binding.

SO ORDERED, this 13TH day of December, 2011.

JULIAN T. TYNES,
Chairman

SUNILA THOMAS-GEORGE,
Commissioner

JAMIE WILLIAMSON,
Commissioner