

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MCAD & CATHERINE SULLIVAN,
Complainants

v.

DOCKET NO. 01-BEM-11048

CONNOISSEURS PRODUCTS CORP.,
Respondent

Appearances:

Michael Talty, Esquire for the Complainant
Stephen G. Morte, Esquire for the Respondent

DECISION OF THE HEARING OFFICER

I. PROCEDURAL HISTORY

On or about December 10, 2001, Catherine Sullivan filed a complaint with this Commission charging Respondent Connoisseurs Products Corporation with discrimination on the basis of gender (pregnancy) and retaliation. The Investigating Commissioner issued a probable cause determination. Attempts to conciliate the matter failed and the case was certified for public hearing. A public hearing was held before me on September 13, 2006 and November 2, 2006. After careful consideration of the entire record before me and the post-hearing submissions of the parties, I make the following findings of fact, conclusions of law and order.

II. FINDINGS OF FACT

1. Complainant Catherine Sullivan resides in Littleton, Massachusetts. She was employed by Respondent as an executive sales assistant from September 5, 2000 until her termination on June 13, 2001.

2. Respondent Connoisseurs Products Corporation is a family owned company with a principal place of business in Woburn, Massachusetts. Respondent makes several products, chiefly a line of jewelry care products and a line of jewelry. Respondent employs approximately 60 to 75 people. Douglas Dorfman is the company founder and president. His brother Jonathan Dorfman is the Vice President of International Sales.

3. Donna Bubash is Respondent's Director of Marketing. Bubash has worked at Respondent for 15. She is the domestic partner of company president Douglas Dorfman. She has various titles within the company, including Director of Marketing Services, Consumer Relations and Executive Assistant to the President. At one point she worked for Helmar Narath, whom she described as aloof, tough, a perfectionist, but fun.

4. Helmar Narath has been Respondent's Senior Vice President of Sales, since approximately 1988 and runs Respondent's domestic sales department. Currently, three people report to him. He was involved with the hiring of Complainant in September 2000. John Archambeault is Respondent's Comptroller and is also in charge of Respondent's human resources matters.

5. Complainant's duties included assisting Narath, who traveled frequently, with managing his office in his absence. She was also responsible for managing brokers, responding to emails, gathering sales forecasting figures, generating letters to prospective customers and creating proposals. She also handled paperwork for the fifteen trade shows that Narath attended annually, including ordering electricity, handling shipping, insuring that the products arrived at the trade show, and ordering the appropriate sized booth.

6. Complainant described Narath as a stern man who expected work to be done timely and correctly.

7. Complainant testified that she learned she was pregnant with her second child shortly before beginning her employment on September 5, 2000. Approximately four weeks later, Donna Bubash approached Complainant and asked her if she was pregnant. When Complainant responded that she was pregnant, Bubash asked her whether she intended to have more children or had considered having her tubes tied. According to Complainant, Bubash stated that she did not want to have children and discussed various methods of birth control. Complainant testified that she felt this conversation was “out of place” as she had only met Bubash two months earlier. I credit this testimony, which was, in essence, corroborated by Bubash, who recalled an occasion when she noticed Complainant’s protruding abdomen and asked Complainant if she was pregnant. When Complainant answered yes, they had a conversation Bubash described as “girl talk.” Bubash asked Complainant whether she planned to have only two children and whether she planned to have her tubes tied.

8. Concerned that Bubash would report her pregnancy to Narath before she had an opportunity to tell him, Complainant met with Narath shortly thereafter to inform him of her pregnancy. According to Complainant, Narath expressed concern about her missing work because of pre-natal appointments. Complainant assured Narath that she would schedule all pre-natal appointments either in the morning or late afternoon so as not to interfere with core business hours. I credit this testimony.

9. Complainant testified that after announcing her pregnancy to Narath, he became “a bit cold,” no longer joked with her as he had in the past, and became “all business.”

10. Complainant testified that despite having a difficult pregnancy, she did not miss work for the duration of the pregnancy.

11. On Monday, March 13, 2001, Complainant’s water broke while she was at work. She was admitted to the hospital that day, and gave birth to a four-pound baby girl on March 17, 2001, six weeks before her due date.

12. On or around March 20 or 21, Complainant visited her work place and signed a revised maternity leave agreement stating that her leave would begin, retroactively, on March 13, and that beginning April 23, she would return to work three-days per week, and then return to work full-time on May 21, 2001. Thus Complainant remained out of work for six weeks, and returned to work part-time for four weeks.

13. Complainant testified that prior to her leave, in January 2001, she learned she needed gall bladder surgery which could not be performed until after she delivered her baby. Complainant testified that because Narath had reacted so poorly to news of her pregnancy, she had the gall bladder surgery on April 12, 2001, while on maternity leave.

14. Complainant testified that prior to going on maternity leave, her practice had been to log on to Narath’s computer each morning and go through his emails, print them out and leave the hard copies on his desk for his review. When she returned from maternity leave, Narath told her that it was no longer necessary for her to review his emails on the days that he was in the office. From then on, she would check his emails only on days he would not be in the office.

15. Three days after Complainant returned from maternity leave, on May 24, 2001, Narath handed her two memoranda critical of her performance. The first memorandum, entitled "Performance" purported to be a summary of Narath's discussion with Complainant that same day, and stated that Complainant had a tendency to rush into tasks, had problems listening and finished his sentences which he found frustrating, and that she spent too much time on the telephone. The memorandum further stated "Need less to say, I am not happy with your performance to date. I will expect the above performance deficiencies to be corrected immediately to avoid further action on my part." (Exhibit 5) Complainant acknowledged receiving this memorandum, which she signed and dated the same day. She acknowledged using Narath's office when he was out of town, as it was part of her job to be at his desk. She acknowledged that she sometimes used his telephone to make personal phone calls, as she was having numerous personal problems.

16. On the same day, Narath handed Complainant another memorandum, entitled "My Office/Computer" This memorandum stated "As I told you before, I do not want you or anyone else using my office, nor my computer, in my absence. This morning, upon entering my office, I found my computer running. I was told that you were using my office yesterday against my specific instructions not to. I will expect my instructions to be adhered to in the future." Complainant acknowledged receiving this memorandum, but she did not sign and date it. (Exhibit 6).

17. After handing Complainant the memoranda on May 24, Narath was out of the office at trade shows and on vacation and did not return to the office until June 13, 2001.

18. Complainant testified that on June 13, 2001, she worked on a revised trade show schedule. She distributed the memorandum to several people at Respondent and left a copy on Narath's desk.

19. When Narath arrived at his office around noon that day, he reviewed the memorandum, called Complainant into his office and berated her, stating, "What is this useless information?" In addition to berating Complainant for useless memos, he told her she had no right to disburse the memorandum. Complainant responded that she was just doing her job and that she had just about had it. She told Narath that she was returning to her cubicle and if he needed her further, he would find her there. Complainant had not even left Narath's office when he said, "That is it. You're done. Pack your bags." When Complainant asked Narath why he was terminating her, he stated it was because of her poor performance.

20. In a Memorandum dated the same day, June 13, 2001, Narath wrote to Complainant that "...you are unwilling or unable to improve your performance to the level expected by me. We have had previous discussions concerning your performance and most recently I gave you two written warnings which we discussed in detail. I regret, therefore, that we must terminate your employment effective immediately." (Jt. Exh. 6)

21. Narath testified that he began to have problems with Complainant after the first month of her employment. He testified that Complainant did not listen to what he said, "dashed off" to perform tasks and made errors in her work. Narath stated that he spoke to Complainant a number of times about his concerns about her job performance. I credit Narath's testimony that he had minor issues with Complainant about her job performance.

22. Narath testified Complainant informed him of her pregnancy about two months after her employment began. He denied expressing concerns about her taking time off for doctor's appointments. He stated that even though Complainant continued to have performance problems after announcing her pregnancy, he decided to give her the benefit of the doubt and tried to make things work out. I do not credit his testimony that he did not express concerns about doctor's appointments. I do not credit his testimony that he decided to give Complainant the "benefit of the doubt." I find that Narath's criticisms of Complainant resulted from his negative feelings upon learning of her pregnancy.

23. Narath stated that Complainant wished to have "additional time" to work part-time upon returning from maternity leave. He stated that although he felt it would be "a strain" he agreed to give her an "extra month" of part-time leave, rather than requiring her to come back full time. I credit this testimony.

24. Narath testified that around this time, he determined that too many employees reported directly to him and he decided to hire a manager to oversee all of the administrative functions of the sales department. He testified that after putting the concept on paper, around May 2001, he hired "A Hire Authority" to recruit a manager. He testified that he was looking for someone with supervisory skills and experience to be in charge of the diverse activities within the sales department. Narath stated that he had no intention of terminating Complainant at that time as she would have reported to the person in the newly created position. A Hire Authority recruited Elizabeth Armano for the position in fall 2001. Armano was assigned an office, while Complainant's cubicle

remained vacant. Linda Kenny replaced Armano in September 2002. Angel Caso replaced Kenny and currently holds the position. I credit this testimony.

25. Narath testified that when Complainant returned from maternity leave, she continued to make errors, did not listen to him and spent a lot of time on personal telephone calls. I do not credit this testimony, as Narath was out of the office for nearly the entire period from Complainant's return from maternity leave to the date of her termination.

26. Narath testified that when Complainant was hired he asked her to access his emails each morning, until one morning he came in and was upset to discover that Complainant had deleted a number of files from his computer. After that, Narath told Complainant he no longer wanted her in his office and told her not to touch his computer.

27. On one occasion Narath came into his office and found his computer had been turned on. He was told that Complainant had used his office and computer in his absence and he was very upset. He drafted a formal reprimand and reviewed it with her. She told him she understood the problems and signed off on the agreement. I credit this testimony.

28. Narath testified that on June 13, 2001, he returned to the office after having been at a jewelry show in Las Vegas and found on his desk a memorandum that Complainant had recently distributed, notwithstanding his instruction not to distribute memoranda without his approval. Narath was upset that the memorandum contained a number of errors. In addition, it had been distributed to people who had no need for the information. Narath stated that he did not intend to terminate Complainant at this time. However, she became very belligerent, yelling and screaming at him. He told her he

could no longer work with her and to gather her personal belongings and leave. She walked out and slammed the door. I do not credit his testimony that Complainant began yelling and screaming.

29. Narath testified that he did not immediately replace Complainant because he wanted to wait until the position of Senior Manager of Sales Administration was filled. However, after Armano was hired, Narath became more proficient on the computer. In addition, he obtained a lap top computer and was able to access e-mails while on the road. He stated that Armano suggested that he no longer needed an executive sales assistant because he answered his own correspondence and other employees could handle the remainder of the work. Narath stated Complainant was never replaced. I credit his testimony that Complainant was never replaced.

30. Shortly after her termination, Complainant walked around the office to inform her co-workers she was leaving and to say good-bye to them. She also spoke with John Dorfman, who wished her luck and told her to inform him if there was anything that she needed.

31. Complainant subsequently called John Dorfman to request a letter of recommendation. In a letter dated July 2, 2001, Dorfman provided to Complainant a letter of recommendation addressed "to whom it may concern," stating that he was writing in "strong recommendation of Catherine Sullivan for any position for which she is being considered" Dorfman's letter described Complainant as "diligent and organized," someone who "handled the inevitable crises and deadlines of a fast-moving department in a calm professional manner" and "went beyond the narrow requirements of her job description." The letter described Complainant as someone who "maintained

good cheer and always showed an enthusiastic, positive attitude” and had “outstanding presence, poise and personality.” (Jt. Exh. 7)

32. John Dorfman testified that although he’d had minimal interaction with Complainant in the workplace, he wrote the letter of recommendation so that Complainant would have a document to present to prospective employers. He testified that he wanted to help Complainant find work because she had just had a baby and was having a difficult life. Dorfman had never written such a letter before. He stated that he did not consult Narath before writing it. I credit his testimony.

33. David Wilcox is a manager of inside sales for Respondent, where he has worked for 14 years. He reported directly to Narath. Wilcox described Narath as not warm or welcoming, but, nonetheless a fair boss who is even-tempered and seldom gets angry.

34. Wilcox testified that he worked with Complainant occasionally in order to put together trade shows. He testified that in organizing one trade show, Complainant was planning to ship Respondent’s booth to the wrong location. He stated that this would have created a major problem because Respondent would then not have been able to participate in the show. However, the problem was corrected before the material was sent out. Wilcox acknowledged that Narath was not informed about this incident at the time it occurred.

35. Wilcox testified that his cubicle was adjacent to Complainant’s and he overheard her making numerous personal telephone calls and raising her voice at her husband on various occasions. Wilcox acknowledged that Respondent did not have a

written policy against personal telephone calls and that he also made personal calls at work.

36. Wilcox testified that at some point in time, he overheard Narath tell Complainant not to use his office while he was out of the building, yet he observed Complainant in Narath's office even after this conversation. I do not credit Wilcox's testimony that he overheard Narath tell Complainant not to use his office as I believe that Wilcox exaggerated the extent of Complainant's problems at Respondent.

37. Wilcox testified that he was present in the office on June 13, 2001 the date of Complainant's termination. He stated that Narath called Complainant into his office to discuss her performance. During the discussion, Complainant's voice became very loud and belligerent. I do not credit Wilcox's testimony that Complainant became loud and belligerent, as I found Wilcox's testimony generally to have exaggerated the problems between Complainant and Narath.

38. Wilcox stated that he was involved in discussions concerning expansion of the company and the resulting need for a higher level manager to supervise people in sales and that this was not conceived as a replacement for Complainant's position. However, Complainant's position was eventually eliminated because Narath realized that the new manager could handle additional tasks formerly performed by Complainant. I credit this testimony.

39. John Archambault testified that Narath came to him in March 2001 for advice about negotiating the terms of Complainant's maternity leave and return to work. He told Narath that it was up to Narath to decide whether he was able to run the department with

Complainant working on a part-time basis. He also advised Narath to put the agreement in writing.

40. Archambault testified that in May 2001, after Complainant returned from her maternity leave, Narath called him to report that he was unhappy with Complainant's work performance and although he had spoken with Complainant on many occasions about his concerns, he had not documented any of his concerns. Archambault advised Narath to put his complaints in writing and to discuss the issues with Complainant. Archambault testified that on May 24, Narath expressed no intention to him to terminate Complainant's employment.

41. Archambault testified that in the spring of 2001, Respondent decided to create the new position of Senior Manager of Sales Administration, who would report directly to Narath. In turn, three employees, including Complainant, who had previously reported directly to Narath, would instead report to the Senior Manager of Sales Administration.

42. Linda Kenny, who currently resides in Virginia, testified that she began working for Respondent's production department in October 1995. In September 2002, she moved to the sales department where she worked under Narath, as his "right-hand man," working with sales representatives and setting up trade shows. Kenny testified that two employees reported to her.

43. Complainant stated that she had always worked, throughout her first pregnancy and childbirth and that after she was fired, the loss of income and the loss of a job were very upsetting. She stated that she suffered from increased stress and self-doubt wondering what she did wrong. She felt she had done a good job at Respondent and

wondered how she was going to “move forward” and get her life together. She stated it was “nerve-wracking.” Complainant testified that the lack of money contributed to marital stress and ultimately to a divorce. Complainant separated from her husband in April 2002, after he accumulated thousands of dollars in debt on a credit card of her mother’s without authorization. She acknowledged that her husband had been in trouble with the law and after their separation, was ultimately incarcerated and that this was a source of stress to her.

44. She stated that the stress of her termination was difficult to deal with because the stomach problems she had experienced during her pregnancy and afterwards were worsening, she was referred to several different doctors and eventually had surgery. During this time she was unable to eat and vomited frequently. She stated that this medical problem was not caused by stress, her pregnancy or her job.

45. Complainant’s gross pay at Respondent was \$37,000.00 per year. After her termination, she collected unemployment compensation of approximately \$400.00 per week for a period of six months, while actively seeking employment through the employment agency that had first placed her with Respondent, as well as checking monster.com, The Boston Globe and The Lowell Sun and sending out resumes.

46. In late December 2001, Complainant commenced employment at Sterling North American Van Lines as a part-time customer service representative working 20 hours per week at the rate of \$15.00 per hour. In April 2002, her hours increased to full-time at the same rate of pay until that job ended.

47. From August 2003- January 2004, Complainant worked at the TJX Companies at the rate of \$15.00 per hour. She has worked at Curtco Robb Media since

January 2004. She testified that it was not until 2006 that her salary was increased to \$37,000.00, the same salary she made at Respondent.

48. Following her termination, Complainant's income from wages and unemployment compensation was as follows: 2001 - \$21, 284; 2002 - \$20, 836; 2003 - \$21,969; 2004 - \$25,279; 2005 - \$32, 807 for a total of \$122,175.00. (Exhibit 9) I find that Complainant is entitled to back pay in the amount of \$62, 825.00, the difference between her income and the wages she would have received at Respondent from the time of her termination up until she began earning the same rate of pay she had earned at Respondent in 2006 ($\$37,000.00 \text{ per year} \times 5 \text{ years} = \$185,000.00 - \$122,175.00 = \$62,825.00$).

II. CONCLUSIONS OF LAW

M.G.L. Chapter 151B §4 ¶1 makes it an unlawful practice to discharge an employee because of her sex. "Pregnancy and childbirth are sex-linked characteristics and any actions of an employer which unduly burden an employee because of her pregnancy or the requirement of a maternity leave are considered sex discrimination." School Committee of Braintree v. MCAD, 377 Mass. 424, 430 (1979); Massachusetts Electric Co. v. MCAD, 375 Mass. 160, 167 (1978); Carmichael v. Wynn & Wynn, 17 MDLR 1641, 1650 (1995); see also, Gowen-Esdaile v. Franklin Publishing Co., 6 MDLR 1258(1984) (termination of complainant during troubled pregnancy because of fears of further absences and coverage during leave deemed unlawful sex discrimination). Further, M.G.L.c. 151B§4¶11A makes it unlawful for an employer to refuse to restore a female employee to employment following a maternity leave under M.G.L.c.149§105D.

In order to prove pregnancy/maternity leave discrimination, Complainant must first establish a prima facie case. The complainant may prove a claim of discrimination by presenting direct evidence of discrimination or by utilizing the three-stage order of proof articulated in both federal and state court decisions. McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973); Abramian v. President & Fellows of Harvard College, 432 Mass. 107, 116 (2000); Wheelock College v. MCAD, 371 Mass. 130 (1976). I conclude that Complainant has established a prima facie case of discrimination based on her pregnancy/maternity leave. Complainant has established that shortly after returning from her maternity leave, Narath gave her written warnings for the first time and terminated her employment within a month.

Once Complainant has established a prima facie case of discrimination, the burden of production shifts to Respondent to articulate and produce credible evidence to support a legitimate, nondiscriminatory reason for its action. Abramian, 432 Mass. 116-117; Wynn & Wynn v. MCAD, 431 Mass. 655, 665 (2000).

Once Respondent has articulated legitimate, non-discriminatory reasons for its conduct, Complainant must show that Respondent's reasons are a pretext for unlawful discrimination. A fact finder may, but need not, draw an inference that an employer is covering up a discriminatory intent, motive or state of mind if one or more of the reasons identified by the employer are false. Lipchitz v. Raytheon Company, 434 Mass. 493, 498, 507 (2001). The employee need not disprove all of the non-discriminatory reasons proffered by the employer for its decision-making, only that "discriminatory animus was a material and important ingredient in the decision making calculus." Chief Justice for Administration and Management of the Trial Court v. Massachusetts Commission

Against Discrimination, 439 Mass. 729, 735 (2003). Respondent's articulated nondiscriminatory reason for terminating Complainant's employment was that Complainant made errors in her work, did not listen to her supervisor's instructions, spent excessive amounts of time on personal telephone calls and ultimately was terminated after her supervisor chastised her for distributing a memorandum in error and she responded by "yelling and screaming" out of control.

The Respondent has met its burden of production, thus requiring Complainant to prove by a preponderance of the evidence that its reasons were a pretext for unlawful discrimination. To do this Complainant must prove that Respondent acted with discriminatory intent, motive or state of mind. While there was evidence that Narath may have had some issues with Complainant's performance, several factors suggest that Respondent was unduly concerned about Complainant's pregnancy and maternity leave, and that Respondent's resentment of Complainant's pregnancy, occurring so close to the commencement of her employment, contributed to the deteriorating relationship between Complainant and Narath. Complainant testified that her relationship with Narath deteriorated immediately after she announced her pregnancy. There was evidence that Bubash inquired about Complainant's pregnancy, prior to Complainant's informing anyone at Respondent and that Bubash made inappropriate references to Complainant's limiting the number of her children. Further, there was evidence that Narath exhibited concern about Complainant taking time off for doctor's appointments because of her pregnancy.

Finally Respondent lacked familiarity with the requirements of the Massachusetts maternity leave statute. Narath and Archambault each testified that they viewed allowing

Complainant to return to work part-time as an act of generosity and an inconvenience to the company, whereas Complainant actually returned to work much earlier than required by the maternity leave statute and could have remained out for eight weeks. While Complainant acknowledged that Narath had raised minor performance issues with her prior to her maternity leave, she received no written criticism of her performance until only days after returning from maternity leave, suggesting the poor performance was an after-the-fact justification for her termination.

I conclude that Complainant has established that Respondent's articulated reasons for terminating her employment are a pretext for pregnancy discrimination. Complainant has shown that Respondent demonstrated discriminatory animus toward her because of her pregnancy and that Narath was overly critical of Complainant's performance for this reason and terminated Complainant's employment for what were minor performance issues, previously unworthy of written notice. Therefore I conclude that discriminatory animus was a material factor in Respondent's decision to terminate Complainant's employment and that but-for her pregnancy she would not have been terminated. For the reasons stated above, I conclude that Respondent engaged in unlawful discrimination on the basis of gender.¹

IV. DAMAGES

While the evidence shows that Respondent did not fill Complainant's position after her termination, I nonetheless conclude that Complainant is entitled to back wages as a result of Respondent's discriminatory actions. I find that Complainant is entitled to back pay in the amount of \$62, 825.00, the difference between her income and the wages

¹ Complainant also charged Respondent with unlawful retaliation, however she produced no evidence of having engaged in any activity giving rise to protection under 151B§4(4). Therefore her claim of retaliation is dismissed.

she would have received at Respondent from the time of her termination up until she began earning the same rate of pay she had earned at Respondent in 2006 (\$37,000.00 per year x 5 years= \$185,000.00- \$122,175.00 = \$62,825.00). (See Finding of Fact #48)

The Commission is authorized to award damages for emotional distress resulting from unlawful discrimination. Stonehill College v. Massachusetts Comm'n Against Discrimination 441 Mass. 549 (2004); Bournewood Hosp., Inc. v. Massachusetts Comm'n Against Discrimination, 371 Mass. 303(1976); Buckley Nursing Home, Inc. v. Massachusetts Comm'n Against Discrimination, 20 Mass. App. Ct. 172(1985). Such emotional distress damages should be fair and reasonable, and proportionate to the distress suffered. Stonehill, supra, at 576. Some of the factors to be considered in making such an award are; the nature and character of the alleged harm, the severity of the harm, the length of time the Complainant has suffered and reasonably expects to suffer and whether the complainant has attempted to mitigate the harm. Id. The Complainant must show a sufficient causal connection between the Respondent's unlawful act and the Complainant's emotional distress. Id.

Complainant testified that she was very upset about the loss of her job and that she suffered from increased stress and self-doubt wondering what she did wrong. She felt she had done a good job at Respondent and wondered how she was going to "move forward" and get her life together and that losing her job was "nerve-wracking." I conclude that Complainant suffered from emotional distress as a result of her unlawful termination; however, Complainant also had other sources of stress in her life at that time, including a medical problem that was undiagnosed for a long period of time that eventually resulted in surgery; and marital problems that ultimately ended in divorce. The

distress of losing her job right after giving birth clearly exacerbated her other life problems and her stress. Thus I conclude that Complainant is entitled to an award of damages for emotional distress in the amount of \$10,000.00.

V. ORDER

Based upon the above foregoing findings of fact and conclusions of law, and pursuant to the authority granted to the Commission under M. G. L. c. 151B, section 5, it is hereby ordered that:

1) Respondent immediately cease and desist discriminating on the basis of gender and pregnancy.

2) Respondent pay to Complainant, Catherine Sullivan the sum of \$62,825.00 in damages for lost wages distress with interest thereon at the statutory rate of 12% per annum from the date the complaint was filed until such time as payment is made or until this order is reduced to a court judgment and post-judgment interest begins to accrue. Payment shall be made within 60 days of receipt of this order.

3) Respondent pay to Complainant, Catherine Sullivan the sum of \$10,000.00 in damages for emotional distress with interest thereon at the statutory rate of 12% per annum from the date the complaint was filed until such time as payment is made or until this order is reduced to a court judgment and post-judgment interest begins to accrue. Payment shall be made within 60 days of receipt of this order.

The parties shall notify the Clerk of the Commission as soon as payment has been made. If Respondents fails to comply with the terms of this Order within the time period allotted, please notify the Clerk of the Commission.

This constitutes the final order of the Hearing Officer. Pursuant to 804 CMR 1.23, any party aggrieved by this decision may file a Notice of Appeal with the Full Commission within ten days of receipt of this order and a Petition for Review to the Full Commission within thirty days of receipt of this order.

SO ORDERED, this 19th day of July, 2007.

JUDITH E. KAPLAN
Hearing Officer