

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

M. C. A. D.
& JAYD FOUNTAS,
Complainants

v.

DOCKET NOS. 02-BEM-02917
04-BEM-00342

MEDFORD PUBLIC SCHOOLS,
Respondent

DECISION OF THE FULL COMMISSION

On November 27, 2007, Hearing Officer Judith Kaplan issued a decision in favor of Respondent in the above-entitled matter. Complainant was duly notified of the decision and her appeal rights. Complainant filed a Notice of Appeal to the Full Commission on December 6, 2007.

On February 4, 2008, Respondent filed a letter with this Commission seeking dismissal of this claim for Complainant's failure to file a Petition for Review to the Full Commission and served Complainant with a copy of said letter.

In response to Respondent's letter seeking dismissal of the claim, on February 12, 2008, Complainant filed a pro se document that is not in compliance with the Commission's regulations regarding the filing of a Petition for Review, in that it was not filed in a timely manner and does not state grounds for an appeal.

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: (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. Id.

While Complainant filed a timely Notice of Appeal, she has failed to file a timely Petition for Review. We conclude that Complainant's appeal shall be dismissed for failure to comport with the Commission's requirement of filing a timely Petition for Review.

Whereas Complainant has failed to perfect her appeal by filing a timely Petition for Review, the appeal is dismissed. Accordingly, the decision of the hearing officer is final and binding.

SO ORDERED, this 21st day of February, 2008.

MALCOLM S. MEDLEY,
Chairman

SUNILA THOMAS-GEORGE,
Commissioner

MARTIN S. EBEL,
Commissioner