

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MASSACHUSETTS COMMISSION)	
AGAINST DISCRIMINATION and)	
JOHN B. O'LEARY)	
Complainant)	
)	
v.)	Docket No. 97-BEM-0287
)	
)	
BERTUCCI'S RESTAURANT CORP.)	
Respondent)	

DECISION OF THE FULL COMMISSION

On May 20, 2005, Hearing Officer Kenneth Grooms issued a decision in favor of Respondent in the above-entitled matter. Complainant was duly notified of the decision and his appeal rights. Complainant filed a Notice of Appeal on June 3, 2005. 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.

While Complainant filed a timely Notice of Appeal, he failed to file a Petition for Review as required by the Commission's regulations. 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 his 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, July 2005.

Cynthia A. Tucker,
Commissioner

Walter J. Sullivan, Jr.¹
Commissioner

¹ Investigating Commissioner sitting by necessity to establish a quorum. *See* G.L. c.6, s. 56 & G.L. c.151B, s.5.