

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION &
LYZADIA RAMOS,
Complainant

DOCKET NOS. 96-BEM-3675
97-BEM-2899

v.

NEW WORLD SECURITY
ASSOCIATES, INC.,
Respondent

Appearances: Winston D. Kendall, for Complainant
Richard F. Brody, for Respondent

DECISION OF THE HEARING OFFICER

I. PROCEDURAL HISTORY

On December 17, 1996, Complainant, Lyzadia Ramos, filed a complaint with the Massachusetts Commission Against Discrimination alleging that she had been sexually harassed by her supervisor while employed at Respondent, New World Security Associates, Inc., and that she was terminated from her employment with Respondent in retaliation for having protested the harassment to Respondent's owner, in violation of G.L. c. 151B §§ 4 (1), (4) & (16A). Respondent denied Complainant's allegations and asserted that Complainant did not raise the issue of sexual harassment with anyone at her employer prior to filing her complaint with the Commission. Respondent alleged that Complainant was terminated for multiple violations of company policy entirely unrelated

to her claim of harassment. The Investigating Commissioner found probable cause to credit the allegations of the complaint and efforts at conciliation were unsuccessful. The matter was certified for a public hearing on February 27, 2003 and a hearing was held before the undersigned hearing officer on March 1, 2, & 3, 2004. Having reviewed the entire record before me and the post-hearing submissions of the parties, I make the following findings and rulings.

II. FINDINGS OF FACT

1. Respondent, New World Security Associates, Inc., is an employer within the meaning of G.L. c. 151B s. 1 (5). Respondent's business is to provide armed and unarmed security services to clients. Respondent is owned by two African-American women, Cassie Farmer and Roberta Adams.
2. Complainant began her employment with Respondent in July 1995. She became a Special Police Officer with Respondent on or about August 1, 1995. As a Special Police Officer, Complainant essentially performed the duties of a private security guard.
3. At all times relevant to the 1996 complaint, Gregory Williams held the rank of Captain at Respondent and had supervisory authority over Complainant. At some point in March of 1997, Williams resigned his commission as an officer for reasons unrelated to this complaint, and thereafter had no supervisory authority.
4. According to Complainant, in July and August 1995, Williams accompanied her a number of times to a shooting range where he instructed her in the operation of a firearm in order that she might obtain a license as an armed guard and be able to carry a firearm on the job. Complainant testified that on "at least three" of these three or four occasions, while Williams drove her in his car, he touched her left thigh with his right hand, which

she considered to be an inappropriate sexual advance. Complainant claimed that each time Williams did this she told him that his behavior was offensive and she asked him not to do it again. I do not credit Complainant's testimony that this conduct occurred.

5. Complainant also alleged that in October 1995, while working as an unarmed security guard at Sector 40, Williams showed up on the site every weekend telling Complainant that she was beautiful and asking her to be his girlfriend. She also claimed that on one such occasion, Williams forcibly tried to kiss her and that she slapped him and told him his behavior was unacceptable. I do not credit this testimony.

6. Complainant testified that the only other incident of sexual harassment by Williams occurred in August of 1996 while she was in William's office requesting a schedule change so that she and a co-worker, John Klimarchuk, could work the same shifts.

Complainant testified that when she asked for a schedule change, Williams asked her, "What are you going to do for me?" She further testified that Williams came around the desk and touched her breast and pelvic area. I do not credit this testimony.

7. Complainant testified that she and Klimarchuk were not romantically involved at the time she sought a schedule change, and did not become so involved until after she left Respondent's employ in March of 1997. According to Complainant, the only reason she sought to change her schedule to coincide with Klimarchuk's was because she had moved to Chelsea, did not have a car and had difficulty getting to work on time. Klimarchuk who also lived in Chelsea had a car and could drive her to work. I do not credit her testimony. Other evidence suggests that Complainant and Klimarchuk were romantically involved during 1996. Indeed Klimarchuk filed his own Complaint with the Commission

regarding sexual harassment and stated in his affidavit that he was “dating Ms. Ramos” while they were both working at Respondent. (R-5).

8. Williams testified that in the summer of 1995, he purchased a gun for Complainant with money she had given him for that purpose because she did not yet have the proper license to transport a firearm. He testified that he never told anyone that he had purchased the gun for her, nor did her ever tell anyone that Complainant was his girlfriend, as alleged by her. Williams was not aware of any alleged rumors in the workplace that he had purchased a gun for Complainant or that they were romantically involved. I credit Williams’ testimony in its entirety.

9. Williams testified that he did not engage in any sexually inappropriate behavior with Complainant and he specifically denied ever touching her. He testified credibly that he did offer to assist Complainant in qualifying for her license to carry a firearm and drove her to the range to practice on several occasions in 1995. Williams testified that they did not go to the range in his car, which was out of commission at the time, but on his motorcycle. Williams admitted that during one such trip to the range he asked Complainant to go out on a date with him. He testified that she responded that “she would not go out with a white shirt” and that he never asked her again for a date, nor did he make any inappropriate sexual advances. He stated that he and Complainant remained friends after that discussion and that he felt betrayed by her complaint of sexual harassment against him. Williams was an extremely credible witness and I credit his version of events over Complainant’s.

10. Williams testified that he did visit Complainant on a work site at her request on one occasion while she was working as an unarmed security officer. He stated that

Complainant called him at home and asked him to bring her a sandwich because she was unable to leave the site while she was on duty. Williams complied with Complainant's request because they were friends. He credibly denied ever trying to kiss Complainant and denied that he persisted in asking her to be his girlfriend. I credit his testimony.

11. There was testimony from Williams and others that Complainant frequently initiated conversations about her sex life and talked about how she loved to have sex and that her boyfriend could not satisfy her "sex drive." Another witness testified that during her employment at Respondent, Complainant was sexually involved in relationships with others officers, specifically Lewis Cardona and John Klimarchuk. Complainant testified that she never discussed sex or personal sexual experiences at work. In light of the credible testimony of her co-workers to the contrary, I do not find her testimony credible.

12. Complainant was described as being extremely sexually provocative both while working on the job and when she was off duty. Williams testified that on their trips to the shooting range Complainant wore a halter-top and spandex shorts and that she would often arrive at work in similar, unprofessional attire prior to changing into her uniform for her shift. Williams testified that Complainant discussed her sex life with him and told him about co-workers she was dating, even though she had a boyfriend. When he heard rumors that Complainant was having sex with Klimarchuk while on the job, he warned Complainant of the consequences of having sex while on duty and told her she could lose her job.

13. According to Williams, Complainant asked to have her schedule changed on several different occasions. Williams originally accommodated Complainant's requests for changes in her schedule and it was not until the third or fourth request for a schedule

change that Williams denied her request. He testified that he had already changed Complainant's schedule several times and that other officers were starting to complain, since this affected their schedules. Williams testified that the conversations with Complainant regarding scheduling took place in the hallway outside his office or in his office while they were on opposite sides of the desk. He denied asking Complainant what she would do for him and further denied touching Complainant in the manner she suggested. Shortly after he denied Complainant's last request for a schedule change and warned Complainant about having sex on the job with Klimarchuk, Williams received a phone call at two or three in the morning from the Complainant requesting that he come to her house. Williams hung up the phone and immediately thereafter he received another call from Complainant's boyfriend, Klimarchuk, who threatened Williams' job. A few days later, Complainant and Klimarchuk went to Williams' office and threatened to "get [him] on sexual harassment charges if [he] did not change the schedule as she wanted." This threat to allege "sexual harassment" against Williams if he did not change Complainant's schedule is corroborated by the affidavit of Consuelo Paulino¹, a female security guard at Respondent, whose affidavit was filed at the Commission as part of Respondent's rebuttal to the complaint. I credit Williams' testimony that Complainant and Klimarchuk threatened him and that he never sexually harassed Complainant.

14. Charles Botts, a former employee of New World Security, who worked with Complainant and Williams, corroborated Williams' testimony that Complainant often talked about sex and her personal sexual experiences. He testified that he and

¹ Paulino's affidavit dated 3/17/97 (R-6) was admitted into evidence *de bene* subject to clarification as to whether she would be available subsequently to testify in person. Respondent subsequently moved to admit the affidavit on the grounds that Paulino was in Puerto Rico and Respondent did not anticipate her return. Respondent's motion is hereby granted and R-6 is admitted into evidence.

Complainant were partners for approximately six to eight months and during that time period Complainant made sexually suggestive remarks to him and was not at all embarrassed or offended by sexual banter. In fact, she frequently initiated talk about sex and was sexually provocative. He testified specifically about one night when he and Complainant were on patrol together when she propositioned him sexually and told him she wanted to “kick it up with him.” He stated that after initially refusing her advances he began kissing and caressing Complainant but then stopped because they needed to continue with their job of patrolling the building. Botts testified that after he stopped kissing Complainant, she kept taunting him and calling him a “punk,” and told him that she “was hot” and that she “wanted to suck it.” He warned Complainant that she had to be careful about the reputation she was getting at work. Botts also testified about his conversations with Lewis Cardona who told Botts that he and Complainant had engaged in sexual relations while on patrol. Botts testified that despite hearing a number of rumors about Complainant’s sexual antics with co-workers, he never heard rumors that Williams and Complainant were dating and Complainant never told him that Williams was harassing her. Botts no longer works for Respondent and I found him to be an extremely forthright and credible witness.

15. Complainant testified a number of times that she did not remember receiving a copy of Respondent’s sexual harassment policy and that she did not know the procedure for reporting allegations of sexual harassment. She also testified that she did not report her allegations of sexual harassment to any female managers or supervisors including Ms. Farmer and Ms. Adams, the owners of Respondent, Diane Valentine, the Human Resources Director at Respondent, or Sergeant Ethel Duncan, Complainant’s first

supervisor, because she did not feel comfortable discussing her allegations with them. I do not find this assertion to be credible.

16. Cassie Farmer, co-owner and president of Respondent, testified that she and co-owner, Roberta Adams, implemented a sexual harassment policy in 1993. The policy was subsequently amended on November 6, 1996. Ms. Farmer further testified that Respondent has had discrimination /sexual harassment posters hanging on the bulletin board in the break room floor and in a glass-encased container on the second floor at least as early as 1995. Botts and Williams also testified that these notices regarding discrimination and harassment were posted. Ms. Farmer testified that every new employee hired by Respondent received a copy of the employee manual, which includes a copy of the sexual harassment policy. (Respondent's Ex. 1). Botts and Williams confirmed that when they first became employees of Respondent they received copies of the employee manual that prohibited sexual harassment and set forth the complaint policy. Complainant admitted at her deposition that she had received a book of Respondent policies "at the beginning" of her employment and that she was instructed to read it and become familiar with the policies. She also stated in her rebuttal to the MCAD that "although [she] was aware of New World's internal sexual harassment policy, she was concerned about the ramifications of filing an internal complaint." Both Botts and Williams testified that they attended sexual harassment prevention courses as part of Special Police officer training. Complainant could not recall if she received such training prior to becoming a Special Police officer although it was part of the curriculum.

17. Ms. Farmer testified that she was unaware of any allegations concerning sexual harassment by Williams until she received Complainant's MCAD charge in either late

March or early April 1997. Upon receiving the Complaint, Farmer immediately commenced an investigation into Complainant's allegations. She questioned Williams as well as all of the supervisors on duty and confirmed the Complainant had not previously filed an internal complaint of harassment against Williams. She questioned Williams about Complainant's allegations and he admitted that he had asked the Complainant for a date on one occasion at or about the time he accompanied her to the firing range during the summer of 1995. He also told Farmer that Complainant refused his offer for a date and he never asked her again. He also understood that his request for a date was a violation of Respondent's non-fraternization policy, contained within its sexual harassment policy. As a result of this admitted violation, Ms. Farmer verbally reprimanded him. She took no further action against him because he had already indicated that he was voluntarily resigning from his position as Patrol Commander for reasons unrelated to the complaint. Ms. Farmer testified that she would normally have interviewed Complainant as part of her investigation, but she did not do so, on advice of counsel, because Complainant had already filed an MCAD complaint and hired an attorney. As a result, Farmer was informed that all requests for information would have to proceed through Complainant's attorney.

18. Complainant alleged that as a result of filing her complaints at the MCAD she was subjected to numerous instances of retaliation, including disciplinary reprimands. Ms. Farmer testified that Respondent has a progressive disciplinary system and prides itself on its ability to retain employees. (Ex. R-1). Farmer stated that she was informed that Complainant had received multiple reprimands for violations of Respondent's policies prior to the filing of her MCAD complaint, and that Complainant continued to violate

policies after her complaint was filed. Respondent's records reflect that Complainant had received ten reprimands prior to filing her initial complaint with the MCAD on December 17, 1996, including one on the date her complaint was filed. Complainant was terminated from Respondent on September 25, 1997. Between the time she filed her initial complaint and her termination she received an additional ten reprimands, including notices of suspension and termination. She also received three notices for excessive tardiness. None of the disciplinary actions of record were initiated by Williams, nor were Complainant's disciplinary infractions related to her alleged difficulties with Williams.

19. Complainant admitted that during her two-year period of employment with Respondent, she was reprimanded for violating several of Respondent's policies. These included: failure to get permission from the duty sergeant to leave her work site during patrol to go to Burger King; failure to notify Respondent of her location during a meal break; failure to wear her complete uniform; being an accessory to falsifying activity sheets; and failure to patrol properties. Complainant also admitted that she had been late to work on a number of occasions during this time period. As noted above, Complainant was the subject of ten disciplinary reports from the time she filed her MCAD complaint until she was terminated, none of which was initiated by Williams. Complainant filed a second Complaint with the MCAD alleging retaliation on August 6, 1997.

20. On December 17, 1996, the day she filed her initial complaint of sexual harassment, Complainant had received a letter of suspension and warning of termination from Major Anthony White as a result of numerous previous infractions. Complainant continued to violate Respondent's work rules and policies and ultimately was terminated from Respondent on September 25, 1997. Prior to her termination she had received numerous

warnings about her poor performance and her continued violation of company rules. Complainant was afforded ample opportunity to improve her performance and to conform to the requirements of the job. On September 21, 1997 Complainant was involved in a particularly egregious violation that precipitated her termination. On that occasion Complainant was insubordinate to a superior officer, used her radio inappropriately and failed to patrol property that she had been assigned to protect and secure. As a result, the property in question was not secured posing a danger to the clients. Rather than admit that she had not patrolled the site in accordance with Respondent's security protocols and procedures, Complainant signed a false report concerning her activities at the premises. This incident resulted in Respondent issuing a letter of suspension to Complainant on the next day, September 22, 1997 and a subsequent termination letter three days later.

21. Complainant's sister, Claribel Ramos testified that she and Complainant had a very close relationship and that sometime in 1995 Complainant told her that Williams had inappropriately touched her. Ramos stated that as a result of the alleged harassment, Complainant became upset and moody, began to lose weight and began to lose her hair. I do not credit this testimony particularly in light of medical evidence introduced by Respondent that Complainant did not lose weight during this period. Moreover, despite her avowed close relationship to Complainant, Ramos claimed to be unaware of the fact that Complainant was pregnant and had terminated the pregnancy in November, 1997, just two months after she was fired from Respondent. Ramos also had no recollection of Complainant losing her "appetite for sex," because of the alleged harassment, as Complainant has claimed. Ramos also claimed to be unaware of the fact that

Complainant's husband had obtained a temporary restraining order against Complainant in 2001, or that Complainant had been physically abused by her boyfriend in 2000.

22. According to Ramos, she assisted Complainant in typing a letter addressed to Cassie Farmer, dated September 26, 1996, concerning the alleged incidents of harassment in 1995 and 1996, but she did not know if her sister ever gave that letter to Farmer. Farmer claims to have never received any such letter and I credit her testimony. Although Ramos testified that she was told by her sister as early as the summer of 1995 that Williams had touched her thigh, she did not know why her sister waited for over a year to prepare said letter. Ramos said she asked Complainant if she had spoken to any of her superiors or anyone from Respondent's Human Resources Department about the alleged harassment or about the letter and Complainant responded that she had not.

23. Complainant alleged that as a result of the sexual harassment she began to experience headaches, lost hair and lost weight. She claimed to have lost her "appetite for sex" and did not want to be touched at all because she was devastated by Williams' behavior towards her. Respondent submitted medical records indicating that Complainant's weight did not fluctuate at all between the time when she was allegedly harassed in 1995 and when she was terminated in September 1997 and there is no record that she suffered any weight loss. Complainant further asserted that the harassment she experienced at work was the sole source of these conditions and that her stress and other ailments continued up to December 31, 2002. However during her cross-examination Complainant admitted to several contributing sources of stress in her life, including that she is a single mother, that she had terminated a pregnancy in November, 1997, that she had sexual relations with at least nine or ten different partners from July 1995 to December 31, 2002, that she

was married and divorced to an abusive spouse within 14 months in 2000 and had a temporary restraining order issued against her in 2001. She testified that these events did not cause her stress and that the only reasons for her stress and physical ailments were the alleged incidents with Williams in 1995 and one incident in August of 1996. I did not find this allegation credible and it colored my assessment of Complainant's credibility in general.

III. CONCLUSIONS OF LAW

General Laws, Chapter 151B, §§ 4(1) and (16A), prohibit sexual harassment in the workplace. Chapter 151B defines sexual harassment to include "sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (a) submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; (b) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, or sexually offensive work environment." G.L. c. 151B § 1(18)(b); College-Town Division of Interco v. MCAD, 400 Mass. 156, 165 (1987). The former is commonly known as "quid pro quo" sexual harassment. The latter is known as "hostile work environment" sexual harassment.

Complainant does not suggest that she was offered better terms and conditions of employment in return for sexual favors in her alleged early encounters with Williams en route to the firing range or on a work site in 1995. Nor does she suggest that her rejection of these purported advances resulted in any adverse consequences to her in the work

place. Contrary to any such suggestion, Williams testified that he agreed to change Complainant's schedule at her request a number of times during this time period. Complainant alleges that Williams persisted in his sexual advances to her and ultimately suggested in 1996 that he would change her schedule if she acceded to his requests for sexual favors. I found Complainant's assertions to be entirely unworthy of credence and thus conclude that she has not established a claim of quid pro quo sexual harassment. Quite the contrary, I believe that it was she and her then current boyfriend Klimarchuk who threatened Williams with both his job and a complaint of sexual harassment, because Williams had warned Complainant she could lose her job if she was having sex while on the job, and refused to once again change her schedule.

Complainant also alleges that the purported sexual advances by Williams and the rumors that surfaced that they were an "item" created a hostile work environment for her. Proof of a hostile work environment sexual harassment claim requires a showing that unwelcome sexual conduct created an impediment to Complainant's full participation in Respondent's workplace, altered the terms and conditions of her employment or unreasonably interfered with her work performance. Collegetown , 400 Mass. at 162. In order to establish liability for a sexually hostile work environment Complainant must prove by credible evidence that: (1) she was subjected to unwelcome verbal or physical conduct of a sexual nature; (2) the unwelcome verbal or physical conduct was sufficiently severe or pervasive to alter the terms or conditions of her employment; (3) the unwelcome conduct was subjectively and objectively offensive; and (4) the harassment was carried out by an employee with supervisory authority over Complainant or that Respondent knew or should have known of the unwelcome sexual harassment and failed

to take prompt remedial action. Kelley v. Plymouth County Sheriff's Dept., et al., 22 MDLR 208 (2000). The unwelcome conduct must be both objectively and subjectively offensive from the perspective of a reasonable person in the Complainant's position. Muzzy v. Cahillane Motors, Inc., 434 Mass.409 (2001).

Complainant has not persuaded me that any of the alleged acts of sexual harassment by Williams actually occurred. I do believe that Williams asked Complainant to go out with him on one occasion, as he testified to, and that she declined to do so, telling him she did not date "white shirts." I do not believe that Williams engaged in any further conduct that was sexual in nature toward Complainant. Complainant never raised the issue of improper conduct by Williams to anyone in management including the owners of the company, the Human Resources Director, or the Sgt. who was her prior supervisor all of whom were females. She never filed an internal complaint of harassment and claimed not to know that there was a harassment policy or the procedure for filing an internal complaint. She did not file her MCAD complainant until December of 1996, long after the conduct by Williams was alleged to have occurred and only after he warned her about the consequences of having sex on the job and refused to change her schedule for the third or fourth time. She was also suspended and received a warning of termination from Sgt. Anthony White on the day she filed her initial complaint of discrimination.

Moreover, even if Williams' conduct had occurred as Complainant alleged, and I believe it did not, Complainant would have had to prove that the conduct was unwelcome and that she subjectively found the conduct to be hostile and abusive. College-Town, 400 Mass. at 162; Ramsdell v. Western Mass. Bus Lines, 415 Mass. 672 677; see Harris v.

Forklift Sys., Inc., 510 U.S. 17, 21-22 (1993). (“if the victim does not subjectively perceive the environment to be abusive, the conduct has not actually altered the condition of the victim’s employment.”) Complainant’s credibility on this issue was sorely tested by the testimony of Williams and Botts that she was outrageously sexually provocative in the workplace and that she had no compunction about engaging in sexual acts with co-workers both on and off the job. While it is clear that the mere fact that a complainant participated in the offensive conduct she complains of does not, in and of itself, prove the conduct is welcome, Beaupre v. Smith, 50 Mass. App. Ct. 480, 489, n. 15 (2000), I remain unconvinced that Complainant found sexual provocation in the workplace offensive or hostile.

Having weighed the credibility of Complainant and all the witnesses who testified in this matter, I conclude that Williams did not make inappropriate sexual advances to Complainant and that her allegations of sexual harassment are fabricated. I believe that Complainant was motivated by anger at Williams for warning her about inappropriate sexual conduct on the job and for refusing to once again change her schedule, and out of fear that she might lose her job having just received a notice of suspension and warning of termination for workplace infractions. I conclude that Complainant has not established a prima facie case of sexual harassment in the workplace.

Having concluded that Complainant’s complaint of sexual harassment was entirely fabricated, I now turn to her claim that Respondent retaliated against her for her having filed a complaint of sexual harassment discrimination. General Laws C. 151B, s. 4 p. 4, prohibits an employer from retaliating against an employee who has participated in protected activity. This provision makes it unlawful “[for] any person, employer... to

discharge, expel or otherwise discriminate against any person because he has opposed any practices forbidden under this chapter or because he has filed a complaint, testified or assisted in any proceeding under section five.” See Kelley v. Plymouth County Sheriff’s Dept. 22 MDLR 208, 215 (2000), citing Bain v. Springfield, 424 Mass. 758, 765 (1997).

Retaliation is a separate and independent claim of discrimination, “motivated at least in part, by a distinct intent to punish or rid the workplace of someone who complains about an unlawful [employment] practice.” Kelley, *supra.* at 215, *quoting* Ruffino v. State Street Bank and Trust Company, 908 F. Supp. 1019, 1040 (D. Mass. 1995). In order to establish a prima facie case of retaliation, Complainant must demonstrate that she engaged in protected activity, that Respondent was aware of the protected activity, that Respondent subjected her to an adverse action and that a causal connection existed between the protected activity and the adverse action. Mole v. University of Massachusetts, 58 Mass. App. Ct. 29, 41 (2003). Complainant’s underlying claim need not have been proven for her to pursue a claim of retaliation. Bain v. City of Springfield, 424 Mass. 758, 765 (1997).

In this case, Complainant has established a prima facie case of retaliation. She engaged in protected activity when she filed her Complaint with the MCAD in December of 1996. During the next nine months she received ten disciplinary reprimands for violations of Respondent’s work rules and policies, which ultimately resulted in her termination from Respondent on September 25, 1997. Complainant alleges that these reprimands were unjustified and retaliatory in nature.

Once Complainant has established a prima facie case of retaliation, the burden of production shifts to Respondent to articulate and produce evidence to support a

legitimate, non-discriminatory reason for its actions. Abramian v. President & Fellows of Harvard College, 432, Mass. 107, 116 (2000). Respondents submitted well-documented evidence that the reprimands and disciplinary warnings Complainant received were legitimate and justified. They were consistent with her record of discipline prior to filing her complaint. Moreover, none of these disciplinary measures was initiated by Williams nor were they related to her alleged difficulties with him. The final disciplinary reprimand that Complainant received was for failure to patrol a building site and falsifying documentation regarding these patrols. I find that the discipline of Complainant and her subsequent termination were for legitimate, non-discriminatory reasons and were not in retaliation for her having filed a complaint of sexual harassment against Respondent. Thus, I conclude that Respondent has not violated G.L. c. 151B s. 4 pp.1, 4 & 16A.

V. ORDER

In light of the above, I hereby Order that the Complaint in this matter be DISMISSED. Any party aggrieved by this decision may file an appeal to the Full Commission pursuant to 804 C.M.R. 1.23.

So Ordered this 15th day of July, 2004.

Eugenia M. Guastaferr
Hearing Officer