

COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

RONDI POPE AND THE  
MASSACHUSETTS COMMISSION  
AGAINST DISCRIMINATION,  
Complainants

v.

DOCKET NO. 02-BEM-03250

CHARLES RIVER LABORATORIES, INC.  
Respondent.

DECISION OF THE FULL COMMISSION

This matter comes before us following a decision of Hearing Officer Betty E. Waxman in favor of Respondent, Charles River Laboratories, Inc. Following an evidentiary hearing, the Hearing Officer concluded that Respondent was not liable for discrimination based on gender in violation of M.G.L. c. 151B § 4 and c. 149, § 105D. Complainant appealed to the Full Commission.

The responsibilities of the Full Commission are outlined by statute, the Commission's Rules of Procedure (804 CMR 1.00 et seq.), and relevant case law. It is the duty of the Full Commission to review the record of proceedings before the Hearing Officer. M.G.L. c. 151B, § 5. The Hearing Officer's findings of fact must be supported by substantial evidence, which is defined as "....such evidence as a reasonable mind might accept as adequate to support a finding...." Katz v. MCAD, 365 Mass. 357, 365

(1974); M.G.L. c. 30A.

It is the Hearing Officer's responsibility to evaluate the credibility of witnesses and/or to weigh the evidence when deciding disputed issues of fact. The Full Commission defers to these determinations of the Hearing Officer. See, e.g., School Committee of Chicopee v. MCAD, 361 Mass. 352 (1972); Bowen v. Colonnade Hotel, 4 MDLR 1007, 1011 (1982). The Full Commission's role is to determine whether the decision under appeal was rendered in accordance with the law, or whether the decision was arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with the law. See 804 CMR 1.23.

Complainant has appealed the decision on the grounds that the Hearing Officer's findings were factually and legally erroneous and not supported by substantial evidence. Several of her arguments challenge the credibility determinations made by the Hearing Officer.

We have carefully reviewed Complainant's contentions on appeal and the record in this matter and have weighed all the objections to the decision in accordance with the standard of review herein. Our review has uncovered no material errors of fact or law with respect to the Hearing Officer's findings and conclusions of law. We find the Hearing Officer's conclusions were supported by substantial evidence in the record and we defer to them.

With regard to Complainant's challenges to the Hearing Officer's determinations of credibility, we reiterate that it is well established that the Full Commission defers to findings of fact of the Hearing Officer, so long as they are supported by substantial evidence. Such determinations remain within the sole province of the fact finder. Quinn

v. Response Electric Services, Inc., 27 MDLR 42 (2005).

For the above stated reasons, we deny the Complainant's appeal and affirm the decision of the Hearing Officer.

ORDER

The Complainant's appeal to the Full Commission is hereby dismissed and the decision of the Hearing Officer is affirmed in its entirety.

This order represents the final action of the Commission for purposes of M.G.L. c. 30A. Any party aggrieved by this final determination may contest the Commission's decision by filing a complaint in superior court seeking judicial review, together with a copy of the transcript of proceedings. Such action must be filed within thirty (30) days of receipt of this decision and must be filed in accordance with M.G.L. c. 30A, c. 151B, § 6, and the 1996 Superior Court Standing Order on Judicial Review of Agency Actions. The filing of a petition pursuant to M.G.L. c. 30A does not automatically stay enforcement of this order. Failure to file a petition in court within thirty (30) days of receipt of this order will constitute a waiver of the aggrieved party's right to appeal pursuant to M.G.L. c. 151B, § 6.

SO ORDERED this 15th day of May, 2008

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Malcolm S. Medley  
Chairman

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Sunila Thomas-George  
Commissioner

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Martin S. Ebel  
Commissioner