

COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MASSACHUSETTS COMMISSION
AGAINST DISCRIMINATION
and THERESA MURRAY,
Complainant

v.

DOCKET NO. 00-BEM-1605

NORTHEAST AQUATIC
DESIGN & SUPPLY, INC.,
Respondent

DECISION OF THE FULL COMMISSION

On April 11, 2005, Hearing Officer Judith Kaplan issued a decision in favor of Complainant against Respondent in the above-entitled matter. Respondent was duly notified of the decision and its appeal rights. Respondent filed a Notice of Appeal on April 20, 2005. Respondent has not, to date, filed a petition for review.

The Commission's Rules of Procedure, 804 CMR 1.23(1)(a), require that an aggrieved party must file a Petition for Review within thirty days of receipt of the Hearing Officer's decision setting forth the following:

- (1) facts showing the appellant to be aggrieved;
- (2) all matters alleged to have been erroneously decided;
- (3) all other matters on which the appellant relies; and
- (4) the relief sought.

Respondent failed to file the required Petition for Review within the thirty day period. We, therefore, conclude that Respondent's appeal shall be dismissed for failure to adhere to the Commission's procedural regulations, 804 CMR 1.23(1)(a), governing the filing of a Petition for Review.

Whereas Respondent has failed to perfect its appeal, the appeal is dismissed. Accordingly, the decision of the Hearing Officer is final and binding for purposes of judicial enforcement pursuant to M.G.L. c.151B, s.6 and 804 CMR 1.25.

SO ORDERED, this 27th day of, May 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.