

THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

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MCAD & THERESA MURRAY,  
Complainants

v.

DOCKET NO. 00-BEM-1605

NORTHEAST AQUATIC  
DESIGN & SUPPLY, INC.,  
Respondent

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Appearances:

Stephen J. Kuzma, Esquire for Theresa Murray  
Mark J. Miller, Esquire for the Respondent

DECISION OF THE HEARING OFFICER

I. PROCEDURAL HISTORY

On June 12, 2000, Theresa Murray filed a complaint with this Commission charging Respondent with discrimination on the basis of sexual harassment in violation of M.G.L. c. 151B § 4(16A). Attempts to conciliate the matter failed and the case was certified to public hearing. A public hearing was held before me on August 10 and 11, 2004. After careful consideration of the entire record and the post-hearing submissions of the parties, I make the following findings of fact, conclusions of law and order.

## II. FINDINGS OF FACT

1. Respondent Northeast Aquatic Design and Supply is located at 3 Bourbon Street, Peabody, MA and is in the business of designing and constructing commercial swimming pools and supplying aquatic equipment. Janice Knox is Respondent's president and is responsible for hiring, firing, disciplining and supervising Respondent's employees. Her husband, Winthrop "Trip" Knox is Respondent's Vice President and is responsible for sales, construction, supervision and design of swimming pools. Respondent had approximately seven employees in 1999 and is an employer within the meaning of M.G.L.c.151B §4(1).

2. In late 1999, Respondent purchased a sister company in Florida. At the same time, Respondent moved its Peabody office to a new location within Peabody. Respondent did not have a sexual harassment policy in 1999.

3. In around October 1998, Complainant Theresa Murray was hired for the position of Assistant Sales Coordinator for Respondent. Complainant's duties included answering the telephone, typing, setting up files, filing and sending

out brochures. Janice Knox was Complainant's supervisor throughout the course of her employment.

4. Complainant is the single mother of a daughter who was about seven years old during her employment at Respondent. Mrs. Knox permitted Complainant to bring her daughter to work on numerous occasions when she was unable to arrange for childcare. During this time Complainant also took Saturday classes at North Shore Community College.

5. In 1998, Respondent's office was located at the "Hallmark Building" on Newbury Street in Peabody, Massachusetts. That office consisted of an open area, as well as three offices with doors and a supply room. Complainant worked in the open area. In December 1999, Respondent relocated to its current location at 3 Bourbon Street, Peabody.

6. Shari (DeBenedetti) Ventura, the daughter of Trip and Janice Knox, has worked as a full-time secretary and receptionist for Respondent since 1993. At the Hallmark Building she shared one of the three offices with her mother. Both Ventura and Janice Knox testified that they

had a very close relationship and Ventura told her mother "everything." Ventura lived with her parents during the course of Complainant's employment.

7. Donald and Sandra Vandebosch, who are husband and wife, have worked for Respondent since 1998. Donald Vandebosch worked in sales and Sandra Vandebosch performed job-costing duties. Trip Knox and Donald Vandebosch shared the second of three offices. Complainant did not get along with the Vandeboschs and frequently complained about them to Janice Knox or to Sherry Ventura.

8. James Woods was hired by Respondent in June 1998 as a CAD drafter. Woods had no supervisory responsibilities and reported directly to Trip Knox. Woods occupied a third office at the Hallmark Building. Woods and Ventura were the only employees whose computers were set up to send and receive e-mail messages.

9. Complainant testified that on one occasion, when she was typing, Woods came up behind her, took her shoes off and smelled them. She told him to give her shoes back. I credit this testimony.

10. Complainant testified that Woods once came up behind her and asked if she would like to have the back of her neck licked and if she knew that saliva carries viruses. I credit Complainant's testimony that this occurred.

11. Complainant testified that in February or March of 1999, Woods followed her into the supply room, closed the door, cornered her and stated: "Let's do it". Complainant testified that she told him to open the door and she walked out. She testified that she felt uncomfortable about this incident. Complainant did not report this incident to anyone at Respondent. I credit her testimony that this incident occurred.

12. Complainant testified that in February 1999, her then boyfriend sent flowers to her at the office. When Donald Vandebosch observed them, he asked her if Woods had sent her the flowers and stated that Woods only sent flowers to people he slept with. Vandebosch also told Complainant he thought Woods was "doing" her. Woods later told Complainant that the Vandeboschs believed that she and Woods were sleeping together and that they thought Woods "had his head between her legs". She testified that

she was "surprised" by Woods' comments and was so upset after work that she cried about the incident. I credit this testimony.

13. Complainant testified that on various other occasions, Woods shot rubber bands at her private parts, grabbed her hips from behind and pulled her toward him, telling her that she "had an ass like Jennifer Lopez". She testified that Woods once asked her to remove her shirt and "give an old man a thrill". He told her that she "smelled like a stripper" and that her pants fit her well. Complainant testified that on various occasions Woods also brushed up against her breasts and poked her buttocks and commented that he wanted to sleep with her. I credit her testimony that Woods said and did these things on a regular and consistent basis.

14. On several occasions over the course of her employment, Complainant asked Woods to send e-mail messages on her behalf. In November 1999, Complainant asked Woods to send an e-mail message to one of her professors at North Shore Community College to inform him that she would be missing class because of her daughter's birthday. She wrote the information in long hand for Woods to send to the

professor. The following day, Complainant found on her desk a purported hard copy of the e-mail that Woods sent on her behalf, as well as her professor's purported response. Complainant believed the e-mail had been sent to her professor and was embarrassed. I credit her testimony.

15. The e-mail states:

john I was ill on 10/29 I shall not be in on 11/6 it is my daughter's b-day. I will e-mail project. Please email what to study for test. PS would you like to spend the night in my bed sometime? Ill make you very happy. Terry murrey.

Yes I would like to sleep with you, this would give you a good grade for the semester. I have been attracted to you for some time and would love to get between your legs... Hugs and kisses.

16. Complainant testified that when she confronted Woods about the e-mail, he told her it was "a joke". Complainant testified that she stopped speaking to Woods after the incident concerning the e-mail. She testified that she asked her professor if he received the e-mail and if there was anything wrong with it, but he told her that he "did not want to get involved". Complainant testified that she showed the e-mail to Ventura who stated that it "must be a joke". I credit this testimony.

17. Complainant testified that on another occasion, while sitting on the floor setting up Complainant's computer at Respondent's new location, Woods stated that he liked to be underneath her and that he wouldn't mind her being in his drawers. I credit this testimony.

18. Complainant testified that she was upset about Woods' conduct and over the course of her employment complained to Shari Ventura, the owners' daughter, more than ten times about Woods' unwelcome conduct. Complainant testified that Ventura told her that Janice Knox was aware of Woods' behavior and that Janice Knox told Ventura that once the office completed its move in December 1999, Respondent would have a meeting and "things would change". I credit this testimony.

19. On or about December 22, 1999, Complainant met with Trip Knox for lunch to discuss Respondent's purchasing of another company and Complainant's role in the company after the purchase, as Mr. Knox was considering promoting Complainant to a sales position. Complainant testified that during this meeting, she informed Trip Knox about the sexual harassment by Woods and about her difficulties with

the Vandemboschs. At the meeting, Mr. Knox offered Complainant a sales position. I credit her testimony.

20. Complainant testified that, instead of addressing her complaints of sexual harassment at the meeting, Trip Knox told her that if the conduct did not stop, "pink slips were going to be handed out". Complainant understood this to mean that nothing would be resolved and that she might be terminated. I do not credit Complainant's testimony that she believed her employment would be terminated if the harassment did not stop. I find it incredible that she would feel that her job was being threatened right after Knox offered her a promotion.

21. Complainant testified that she left her employment at Respondent because Trip Knox took no action to resolve her complaint of sexual harassment. I do not credit Complainant's testimony that she left her employment because of Trip Knox's failure to act on her complaint. Respondent's business was closed shortly after the meeting for the Christmas holidays and did not reopen until January 3, 2000. Complainant gave her notice no later than January 7, 2000.

22. Winthrop Knox testified that at the December 22, 1999 meeting he offered Complainant a position working with him in sales that would have increased her salary. Mr. Knox stated that Complainant's response was positive and that the tone of the lunch was positive. He denied that Complainant ever complained of sexual harassment at the meeting or at any other time and testified that he was shocked when Complainant tendered her resignation two weeks later. I do not credit Mr. Knox' testimony that Complainant did not complain to him about sexual harassment, because he acknowledged that he scheduled a staff meeting for the following January 7, in part because of his discussion with Complainant and to address the issues she raised in that meeting. I otherwise credit Knox' testimony regarding the meeting.

23. Trip Knox testified that he called a mandatory meeting of employees for January 3, 2000, later rescheduled to January 7, in part as a result of his luncheon conversation with Complainant on December 22. One of the agenda items was to "eliminate stress amongst all employees and owners." Knox testified that it was obvious to him and Janice Knox that the work environment was very stressful and they "could see it and hear it in the employees amongst

the office." Janice Knox also testified that there was stress in the office, although she attributed the stress to the acquisition of a new company and Respondent's move from one location to another in December 1999. I credit their testimony, to the extent that there was stress in the office associated with the move and the acquisition of another company. However, I do not credit their testimony that they were unaware of specific complaints of Complainant regarding James Woods' conduct.

24. On or about January 7, 2000, Complainant informed Mrs. Knox that she was planning to leave Respondent for a better position elsewhere. On or about January 10, 2000, Complainant left a resignation letter addressed to Mrs. Knox on her desk. The letter states as follows:

I'm writing this letter to stress my concerns towards my co-workers and [Northeast]. I looked forward to a rewarding career with [Northeast] & hoped to succeed in this industry. The moral[sic] in this company is low. The atmosphere isn't of the rapport it should be. The reaction I received prompted me to decide to leave your firm. Not only myself, but also other employees have thought of leaving. Everytime I ask questions regarding overtime or about raise reviews. I was given the run-a-round. I more than anything wanted to move up the ladder at [Northeast] & took on extra work, but was never told how or what exactly I could do to succeed. It seemed like couldn't get any help to further my career. I was inadequately trained. I performed to the best of

my abilities under the circumstances. The main reason that prompted my resignation was the conversation with Winthrop Knox on December 22, 1999 and there was no immediate attention given to the fact of sexual harassment from James Woods. I had reported this several times to Shari and then Winthrop Knox. Nevertheless was the verbal harassment from Sandy and Donald VandenBosch, which was also reported. I saw that this type of action was not going to stop, so I am resigning earlier. I thank you very much for opportunity at [Northeast]

(Exhibit C-2)

25. Complainant testified that during the period of time that Woods' conduct occurred, she would wake up in the middle of the night and would cry for hours. She testified that his conduct took a toll on her relationship with her former fiancé, that she was "always stressed out" and depressed and she did not know what was wrong with her. I credit her testimony that she suffered emotionally as a result of Woods' conduct.

26. Complainant testified that after leaving the employ of Respondent, upon the recommendation of her primary care physician, Dr. Lee, Complainant saw a psychotherapist named Marjorie Roberts for a period of four months. Dr. Lee prescribed the medications Prozac, Paxil and BuSpar for depression for a one-year period following her employment at Respondent. Complainant testified that

around the time of her deposition in this case, she again required treatment for depression because of the stress associated with the deposition. I credit her testimony that her emotional distress lasted for a period of time and re-occurred as she was forced to confront the litigation.

27. Shari Ventura testified that she and Complainant were friends during the course of Complainant's employment at Respondent and the two frequently socialized outside work. Ventura testified that they discussed personal matters, such as boyfriends, Complainant's daughter and "girl stuff" such as hair, make-up and clothes. She testified that Complainant never complained to her about offensive conduct by Woods. I do not credit Ventura's testimony that Complainant did not complain to her about Woods' conduct. I otherwise credit Ventura's testimony regarding her friendship with Complainant, which is consistent with Complainant's testimony that the two were friends.

28. Ventura testified that she once heard a conversation between Complainant and Woods wherein Woods told Complainant that he missed his wife, who was vacationing in Peru. Complainant responded that if Woods

came over to her house, she would take care of him so that he would not be lonely. I do not credit Ventura's testimony in this regard. Complainant denied ever inviting Woods to her house or propositioning him sexually. I credit Complainant's testimony that she did speak to Woods in this manner.

29. Ventura testified that in January 2000, she found Complainant's resignation letter on Complainant's desk at the end of the workday and delivered it to her mother. Janice Knox read the letter and commented, "Now we're probably going to be in another lawsuit." Ventura stated that the Vandenboschs were present at the time. I credit this testimony.

30. Both Complainant and Janice Knox testified that Janice Knox was accessible and Complainant frequently discussed personal matters with Janice Knox, including issues involving her parents, her daughter and her boyfriend. Despite numerous conversations with Janice Knox, Complainant never mentioned to her the incidents she alleged took place between her and Woods. I credit their testimony.

31. Janice Knox testified that following the meeting with Trip Knox, Complainant informed her that she wanted to think about the offer of a sales position over the holidays while the office was closed. When the office re-opened on January 4<sup>th</sup>, Janice Knox asked Complainant whether she had thought about it and Complainant responded that she would know in a couple of days. According to Knox, by Friday of that week, January 7, Complainant told Knox that she had decided to take a job elsewhere and gave two-weeks' oral notice. I credit this testimony.

32. Janice Knox testified that Respondent developed a Sexual Harassment policy that was contained in Respondent's employee manual that was completed in the spring of 2000, after Complainant terminated her employment at Respondent. Prior to this time, Respondent had no written sexual harassment policy. I credit this testimony.

33. Janice Knox testified that after receiving the resignation letter, she believed that Complainant intended to file a lawsuit, and therefore did not contact her because she believed that it would be unethical to do so. Thereafter, Janice Knox questioned other employees about Complainant's allegations of sexual harassment. The

employees told Janice Knox that they were unaware of any inappropriate conduct toward Complainant. I do not credit Knox's testimony. I believe that Mrs. Knox did not pursue an inquiry into the allegations because Complainant had tendered her resignation and she believed that ended her obligation to Complainant.

34. James Woods denied engaging in any of the conduct described by Complainant. He denied altering the e-mail to her professor and testified that he never saw the e-mail before the hearing. I do not credit Woods' testimony regarding the conduct complained of by Complainant. Further, I find that Woods authored the e-mail as a "joke" and left it for Complainant to see. However, I do not believe he sent the altered e-mail to Complainant's professor.

35. Woods testified that after Complainant left Respondent's employ, Mr. Knox and Mr. Vandebosch met with him in Respondent's lunchroom to discuss the allegations made by Complainant. He testified that he denied the allegations and that Knox asked him to write a personal statement. He testified that he wrote a paragraph and provided it to Knox; however the written statement was not

produced in discovery or introduced into evidence at the public hearing in this matter. I credit Woods' testimony regarding this incident. I believe that Knox asked Woods to provide a written statement. Janice Knox also testified that there was a written statement by Woods that was contained in his personnel file. I credit Knox's testimony in this regard.

36. Sandra Vandebosch worked as a clerk for Respondent from October 14, 1998 until September 11, 2001. She worked part-time during the course of Complainant's employment. Sandra Vandebosch testified that she observed Complainant and Woods teasing one another and bantering back and forth. She assumed they were good friends. She testified that she never saw either one make offensive comments to the other, although she found Woods' "innuendos" offensive. I credit Vandebosch's testimony to the extent that she found Woods' comments offensive. However, I do not credit her testimony that she observed Complainant and Woods bantering and teasing in a friendly manner.

37. Sandra Vandebosch testified that on Complainant's last day of employment, Janice Knox told

Vandenbosch that Complainant claimed to be the victim of sexual harassment, but no one at Respondent ever asked Vandenbosch whether she had observed any offensive conduct by Woods toward Complainant. Vandenbosch had a conversation with Woods after Complainant left her employment. She recalled that Woods was upset over the whole situation. I credit this testimony. (T5,8/10/04)

38. Donald Vandenbosch has been employed by Respondent as a project coordinator since September 1998. Vandenbosch spent time in the office although he spent a portion of his time out of the office on field assignment. He testified that he found Woods' behavior offensive at times and witnessed him shoot rubber bands at Complainant. He first learned about Complainant's allegations of sexual harassment from Trip or Janice Knox after Complainant left her employment. He testified that shortly after Complainant left Respondent, he had a conversation in Respondent's conference room with Trip Knox and Woods concerning their belief that Complainant would file a sexual harassment suit against Respondent. He testified that Trip Knox asked him if he knew anything or saw anything going back and forth between Complainant and Woods. He told Trip Knox that he did not observe any sexual misconduct; however he did

observe Woods shooting rubber bands at Complainant. I credit his testimony.

39. Donald Vandebosch testified that on one occasion, while he was present in Woods' office, he heard Complainant say to Woods, "I bet you'd like to kiss me." and "Would you like to lick my rug." Vandebosch testified that he then looked at Complainant and walked out of Woods' office. He mentioned this exchange to Trip Knox about a year later. I do not credit his testimony that he overheard Complainant make the latter statement to Woods. At his deposition, Vandebosch recited the statement about "kissing" but did not mention the "rug" statement. He testified at the public hearing that he did not mention the "rug" statement at his deposition because he had never heard that expression before and he found it embarrassing to recount.

### III. CONCLUSIONS OF LAW

#### A. Sexual Harassment

M.G.L. Ch. 151B, sec. 4(16A) prohibits sexual harassment in employment. Sexual harassment is defined as "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, humiliating or sexually offensive work environment. See, College-town Division of Interco. v. MCAD, 400 Mass. 156, 165 (1987). To state a claim of sexual harassment amounting to a hostile work environment, complainant must show that: (1) she was subjected to sexually demeaning conduct; (2) the conduct was unwelcome; (3) the conduct was subjectively and objectively offensive; (4) the conduct was sufficiently severe or pervasive as to alter the conditions of her employment and create an abusive work environment; and (5) her employer knew or should have known of the harassment and failed to take

prompt and effective remedial action. College-Town v. MCAD, 400 Mass. 156, 162 (1987); Ramsdell v. Western Mass. Bus Lines, Inc., 415 Mass 673, 678 (1993); see Messina v. Araserve, Inc., 906 F. Supp. 34, 37 (D. Mass. 1995).

Complainant alleges that her co-worker, James Woods, created a hostile work environment for her by engaging in unwelcome conduct of a sexual nature, such as comments of a sexual nature and offensive touching. I conclude that Woods' conduct, including requests for sexual favors, unwelcome touching and sexually offensive conduct such as creating a sexually offensive e-mail, constituted a pattern of sexual harassment that created a hostile work environment for Complainant. Such conduct was severe, as it included physical touching, and it was pervasive, as it occurred on a regular basis throughout the course of her employment. This conduct altered the terms of Complainant's employment as she stopped speaking to Woods. His conduct, among other things, caused her to seek another job elsewhere. As Woods was not a managerial employee, Complainant must show that Respondent knew or should have known about the conduct and failed to take prompt remedial action for Respondent to be liable. Id.

Complainant has alleged that she repeatedly complained about Woods' conduct to Shari Ventura, who assured her that Janice Knox was aware of the incidents and intended to resolve them. I credited Complainant's testimony that she complained to Ventura about Woods' conduct and I conclude that Janice Knox knew or should have known about Complainant's complaints. Every manager and employee worked together in a small office. Knox and her daughter Shari Ventura worked together, lived together and had a very close relationship. Thus it is reasonable for me to conclude that they discussed work-related issues and office relationships.

After receiving a complaint of sexual harassment, the Respondent is obligated to investigate the matter and to take steps to adequately remedy the matter. College-town, supra. I conclude that Respondent failed to adequately investigate Complainant's complaints of sexual harassment or to take steps to ensure that the harassment ceased. I did not credit Mrs. Knox's testimony that she was unaware of Woods' conduct until Complainant spoke to Mr. Knox on December 22. I believe that Mrs. Knox was aware of the conduct all along. Nonetheless Respondent conducted no investigation whatsoever during this time period and did not discuss the matter with Woods or any

other employee of Respondent until after Complainant submitted her written termination in January 2000. Mrs. Knox stated vaguely that she talked to Respondent's employees over time. This does not constitute an investigation and I did not find it credible. Woods stated that he provided Trip Knox with a written statement refuting Complainant's allegations. Therefore, I conclude that Respondent has engaged in unlawful sexual harassment in violation of M.G.L.c.151B by failing to investigate and take reasonable steps to stop sexual harassment by a co-worker of which it was or reasonably should have been aware.

#### B. Constructive Discharge

A constructive discharge occurs when an "employer's conduct effectively forces an employee to resign." GTE Products Corporation v. Stewart, 421 Mass. 22, 33-34 (1995). A constructive discharge can occur when the employer "materially breaches [an] employee's contract of employment in some manner short of termination" or makes "working conditions so intolerable that the employee feels compelled to quit." Constructive discharge occurs where, "based on an objective assessment of the conditions under

which the employee has asserted [s]he was expected to work, it could be found that they were so difficult as to be intolerable." GTE Products Co. v. Stewart, at 34 (1995). In order to establish constructive discharge, Complainant must demonstrate that Respondent made her working conditions so intolerable that a reasonable person in her position would have felt compelled to resign. McKinley v. Boston Harbor Hotel 14 MDLR 1226, 1240 (1992). The standard for constructive discharge "is, and should be, a strict one," and requires that an employee must demonstrate that "the threat of physical or psychic harm was so great as to preclude ever returning to work." She must also show that she exhausted all possibilities to continue working and that resignation proved to be the final and only alternative. Id. at 124. In this case, Complainant did not exhaust all possibilities. I conclude that upon complaining directly to Trip Knox, Complainant's belief that Knox was going to fire her instead of addressing the problem was unreasonable. During this meeting on December 22, 1999, Trip Knox offered Complainant a promotion to a sales position. He told her that "pink slips" would go out if the unwelcome behavior did not stop. I conclude that it was unreasonable for Complainant to believe that her employment would be terminated, given that Knox offered her

a promotion and Respondent scheduled a meeting for January 7, 2000 to discuss office problems, suggesting that Respondent intended to address the work environment. After the meeting with Trip Knox, Respondent's offices were closed until Monday, January 3, 2000 and Complainant informed Janice Knox of her resignation no later than Friday, January 7.<sup>1</sup> She submitted her written resignation the following Monday, January 10, indicating in the letter that there were several reasons for submitting her resignation, including issues unrelated to sexual harassment such as lack of opportunity for advancement and salary. Therefore, I conclude that Complainant was not constructively discharged.

#### IV. DAMAGES

The Commission is authorized to award damages for emotional distress damages that result from unlawful discrimination. Stonehill College v. Massachusetts Comm'n Against Discrimination 441 Mass. 549 (2004); Bournewood Hosp., Inc. v. Massachusetts Comm'n Against Discrimination, 371 Mass. 303(1976); Buckley Nursing Home, Inc. v. Massachusetts Comm'n Against Discrimination, 20 Mass. App.

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<sup>1</sup>There was no testimony whatsoever regarding the issues discussed at the meeting.

Court 172(1985). Such emotional distress damages should be fair and reasonable, and proportionate to the distress suffered. Stonehill, supra, at 576. Some of the factors to be considered are: the nature and character of the alleged harm, the severity of the harm, the length of time the complainant has suffered and reasonably expects to suffer and whether the complainant has attempted to mitigate the harm. Id. The complainant must show a sufficient causal connection between the Respondent's unlawful act and the Complainant's emotional distress. Id. I conclude that Complainant suffered emotional distress as a result of Respondent's unlawful discrimination against her. Complainant testified credibly that she experienced tension in her personal relationship with her then fiancé. Complainant suffered from sleeplessness, episodes of crying, and was depressed and because of Woods' conduct sought treatment for depression for several months following her employment and again around the time of her deposition. Taking into account that some of Complainant's distress resulted from her termination which I found to be voluntary, I conclude that Complainant is entitled to an award for emotional distress in the amount of \$35,000.00 for the distress she suffered as a result of sexual harassment during the course of her employment.

V.ORDER

Respondent is hereby Ordered to:

(1) Immediately cease and desist discriminating on the basis of sex and sexual harassment.

(2) Pay to Complainant Theresa Murray the sum of \$35,000 in damages for emotional distress within 60 days of receipt of this decision, with interest thereon at the statutory rate of 12% per annum from the date the complaint was filed until such time as payment is made.

The parties shall notify the Clerk of the Commission as soon as the ordered payments have been made. If any Respondent fails to comply with the terms of this Order within the time period allotted, Complainant shall notify the Clerk of the Commission.

This constitutes the final order of the hearing officer. Any party aggrieved by this order may file a Notice of Appeal to the Full Commission within ten days of receipt of this order and a Petition for Review to the Full Commission within thirty days of receipt of this order.

SO ORDERED, this 11<sup>th</sup> day of April, 2005.

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JUDITH E. KAPLAN,  
Hearing Officer