

THE COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION

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MASSACHUSETTS COMMISSION  
AGAINST DISCRIMINATION  
& BLENDEN BENJAMIN,  
Complainant

v.

DOCKET NO. 06-BEM-02798

FIRST STUDENT, INC.  
Respondent

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DECISION OF THE FULL COMMISSION

On June 30, 2009, Hearing Officer Betty Waxman issued a decision in favor of the Respondent in the above-entitled matter and dismissing the case. Complainant was duly notified of the decision and of his right of appeal to the Full Commission. On July 7, 2009, Complainant filed a notice of appeal to the Full Commission.

The Commission's Rules of Procedure at 804 C.M.R. 1.23(1)(a) require that, in addition to a Notice of Appeal, an aggrieved party must file a Petition for Review within 30 days of receipt of the decision of the hearing officer, setting forth:

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 to which the appellant believes he is entitled, which relief may be requested in the alternative.

On July 28, 2009, Complainant moved for additional time to file a petition for review up to and including August 31, 2009, which motion was granted on July 31, 2009. To date Complainant has not filed a Petition for Review as required by 804 C.M.R 1.23. As a result of this failure to perfect his appeal in accordance with Commission regulations, the appeal of Complainant is hereby dismissed. Accordingly, the decision of the hearing officer is final and binding.

So Ordered this 5th day of January, 2010.

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Malcolm S. Medley  
Chairman

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Martin S. Ebel,  
Commissioner

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Sunila Thomas-George  
Commissioner