

**COMMONWEALTH OF MASSACHUSETTS  
COMMISSION AGAINST DISCRIMINATION**

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MASSACHUSETTS COMMISSION  
AGAINST DISCRIMINATION and  
ANDREA DASILVA,  
Complainants

v.

DOCKET NO. 20-BEM-00211

UNITED FISHERMAN CLUB, INC.,  
Respondent

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**DECISION OF THE HEARING COMMISSIONER**

Andrea DaSilva (“Ms. DaSilva”) filed a Complaint with the Massachusetts Commission Against Discrimination (“Commission”) on January 16, 2020 against her former employer, the United Fisherman Club, Inc. (the “UFC”), alleging that she was subjected to a sexually hostile work environment and to *quid pro quo* sexual harassment and was terminated in retaliation for refusing the sexual advances in violation of M.G.L. c. 151B, § 4(16A) and § 4(4). The Complaint was certified to public hearing. On October 30, 2023, I held a public hearing. Three exhibits were entered into the record. One person testified - Ms. DaSilva.<sup>1</sup> The audio recording of the hearing is the official record. Despite being offered an opportunity, neither party submitted a post hearing brief. Unless stated otherwise, where testimony is cited, I found such testimony credible and reliable, and where an exhibit is cited, I found such exhibit reliable to the extent cited.

**I. FINDINGS OF FACT**

1. The UFC was a “hall with a bar” located in New Bedford, MA. The UFC was open for business seven days a week and employed bartenders who worked various shifts between 8AM until

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<sup>1</sup> The UFC did not appear at the public hearing. I issued a Notice and Entry of Default against the UFC pursuant to 804 CMR 1.12 (10) (2020). The UFC was provided an opportunity to petition the Commission to remove the default but did not file such a petition.

around 9PM. Ms. DaSilva worked as a bartender at the UFC from January 13, 2019,<sup>2</sup> until October 12, 2019. The UFC served drinks, occasionally served food, and rented out its halls for functions, like Sweet Sixteen and Halloween parties. Before working at the UFC, Ms. DaSilva attended parties there, including a party hosted by her friend during which she saw a “Hiring” sign that led to her working there. DaSilva Testimony; Exhibit 3. Based on the findings in this paragraph, I find that the UFC was a business that was open to the public.

2. At the UFC, Ms. DaSilva worked two shifts per week. Each shift was for 4-5 hours. Ms. DaSilva mostly worked the afternoon shifts. Occasionally, she also worked various functions on the weekends. Ms. DaSilva made \$10 an hour and tips. DaSilva Testimony.
3. Shortly after Ms. DaSilva was hired by the UFC, Francisco Dos Santos (“Mr. Dos Santos”) became the UFC’s President. He was responsible for paying the bills, ordering the liquor and hiring the staff. During Ms. DaSilva’s employment at the UFC, Leonel Almeda (“Mr. Almeda”) managed the bar and bartenders including Ms. DaSilva. Mr. Almeda set the schedule for the bartenders and ensured there was coverage. DaSilva Testimony; Exhibit 3.<sup>3</sup>
4. During Ms. DaSilva’s employment at the UFC, Shantay Johnson, Manny Viera and a person named “Benvidia” also worked as bartenders, while Mr. Dos Santos’ wife worked in the kitchen, and there was also a “Portuguese girl” who worked at the UFC, but “didn’t stay long.” DaSilva Testimony. Based on the findings of fact in paragraphs 3 and 4, I find that during Ms. DaSilva’s employment, UFC, at times, employed six or more employees.

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<sup>2</sup> Ms. DaSilva testified that she was unsure if she was hired by the UFC in 2018 or 2019. In her affidavit attached to the Complaint (“affidavit”), Ms. DaSilva stated that her employment started on January 13, 2019. Exhibit 3. I find Ms. DaSilva’s confusion during testimony regarding when she was hired by the UFC was a memory lapse.

<sup>3</sup> I do not credit Ms. DaSilva’s testimony that she was the person who set the bartenders’ schedule.

5. During Ms. DaSilva's employment at the UFC, Mr. Almeda said the following comments to her:
- a. After Ms. DaSilva had worked for two weeks, Mr. Almeda began remarking that she was a beautiful girl, looked nice, was a beautiful woman, was very good looking and that he liked her pants. Ms. DaSilva was not offended by those comments. DaSilva Testimony.
  - b. Between late February 2019 and late March 2019, Mr. Almeda said to Ms. DaSilva, on approximately three occasions, "Is today the day you're gonna make me a happy man?" I refer to those comments as the "Happy Man Comments." Based on Mr. Almeda's previous comments to Ms. DaSilva, described in paragraph 5(a), Ms. DaSilva understood the Happy Man Comments to mean that Mr. Almeda wanted to have sex with her. DaSilva Testimony; Exhibit 3.
  - c. In or about June 2019, Mr. Almeda said to Ms. DaSilva, "Let me take you in the back and give you a good fucking." DaSilva Testimony; Exhibit 3. I refer to that comment as the "Good F\* Comment."
  - d. Subsequently, and during the summer of 2019, Mr. Almeda asked Ms. DaSilva, "Do you like sushi?" Ms. DaSilva said, "Yes. Who doesn't like sushi? Everybody likes sushi." Mr. Almeda looked at Ms. DaSilva and said, "I love sushi."<sup>4</sup> Ms. DaSilva understood that comment to mean that he wanted to perform oral sex on her. DaSilva Testimony; Exhibit 3. I refer to that comment as the "Sushi Comment."
  - e. In September of 2019, when Ms. DaSilva came to work upset after an argument with her boyfriend, Mr. Almeda said, "Oh, what's the matter? Your man didn't give it to you good enough?" DaSilva Testimony. I refer to that comment as the "Good Enough Comment."
  - f. On an unspecified date, when Ms. DaSilva's boyfriend was at the bar, Mr. Almeda said to Ms. DaSilva, "Is that your man over there? I can do a better job than he does for you."

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<sup>4</sup> In Ms. DaSilva's affidavit, she avers that Mr. Almeda said that he'd like to "eat my raw fish." Exhibit 3. At one point during her testimony, Ms. DaSilva used the word "seafood" when referring to the comment. In the context of this case, I find "sushi", "seafood" and "raw fish" to essentially have the same meaning and do not find the differing language to be material.

Ms. DaSilva understood that comment meant that Mr. Almeda wanted to have sex with her. DaSilva Testimony. I refer to that comment as the “Better Job Comment.”

- g. Based on the findings in paragraph 5(a-f), I find the Happy Man Comments, Good F\* Comment, Sushi Comment, Good Enough Comment and Better Job Comment were all expressions by Mr. Almeda to Ms. DaSilva that he wanted to have sex with Ms. DaSilva.
6. Ms. DaSilva asked Mr. Almeda to stop his comments. At some point while employed at UFC, Ms. DaSilva told her mother about comments that Mr. Almeda was making to her. Ms. DaSilva’s mother advised her to ask Mr. Almeda how he would feel if Ms. DaSilva’s father talked to Mr. Almeda’s wife or daughter like that. When Ms. DaSilva asked Mr. Almeda that question, he laughed. On more than one occasion, Ms. DaSilva complained to Mr. Dos Santos about Mr. Almeda’s comments but received no help. DaSilva Testimony; Exhibit 3.
7. On October 12, 2019, Mr. Almeda’s brother (“Almeda’s brother”) came to the bar area with his wife and another couple and asked Ms. DaSilva for a drink. DaSilva Testimony; Exhibit 3. Ms. DaSilva said it would be a few minutes because the dishwasher was cleaning the cups. Almeda’s brother replied, “stop being a lazy bitch and wash the cups yourself.” His wife said something to him which prompted him to say to his wife, “shut the fuck up and mind your business.” Ms. DaSilva said, “hey, your problem is not with her, your problem was with me, so don’t talk to her like that.” Almeda’s brother said, “Oh, I’m gonna talk to you like that.” Almeda’s brother got up from his seat. Ms. DaSilva said to Almeda’s brother, “oh no, I had enough of this shit, of your brother like - talking to me like this. I’ll be damned if you’re gonna talk to me like this too.” Ms. DaSilva followed Almeda’s brother into Mr. Dos Santos’ office. Almeda’s brother told Mr. Dos Santos that “[Ms. DaSilva] doesn’t want to serve me.” Ms. DaSilva told Mr. Dos Santos that there were not enough cups available, Almeda’s brother called her a “lazy bitch” and told her to hand wash the cups. Almeda’s brother came close to Ms. DaSilva. She pushed him. Mr. Almeda came into the office and witnessed Ms. DaSilva pushing his brother. Mr. Almeda pushed Ms. DaSilva. Ms. DaSilva shouted inflammatory accusations regarding his personal life at Mr. Almeda. Ms.

DaSilva believed that Mr. Almeda might hit her. Ms. DaSilva took her belongings and walked out of the UFC. Ms. DaSilva never returned to the UFC. There was no subsequent contact between Ms. DaSilva and the UFC. DaSilva Testimony.

8. I find that Ms. DaSilva's employment at the UFC ended because she quit; she was not fired. There is no evidence that anyone at the UFC ever told Ms. DaSilva that she was fired. Ms. DaSilva testified that she "quit." Ms. DaSilva acknowledged that "I did walk out. I'm not denying that. I don't." Ms. DaSilva admitted that the interaction with Almeda's brother was like "having a hot helium balloon and then just adding that extra puff of air" and as "the straw that broke my camel's back" implying that she had reached the point where she no longer wanted to work at the UFC. DaSilva Testimony. Ms. DaSilva testified that she believed that she was fired because she believed that if she had quit, then she would not have received unemployment benefits. I do not give that testimony any weight because it was based on her "*assumption* that I got fired because I was able to collect unemployment." DaSilva Testimony. (Emphasis added). Ms. DaSilva avers in her affidavit that the UFC fired her, but I find that averment self-serving and contrary to the weight of the credible evidence depicted in this paragraph.
9. Since leaving the UFC, Ms. DaSilva has not worked. Starting many years before she worked at the UFC, and continuing to the time of hearing, Ms. DaSilva was in pain management for chronic back pain. Ms. DaSilva took the bartending position at the UFC because it allowed her to sit. Since leaving the UFC, Ms. DaSilva has tried to obtain employment but when she informs employers of her limitations, "they're like, sorry, it doesn't work." DaSilva Testimony. Notably, Ms. DaSilva answered, "Yeah" to the question, "So it's not so much because of what happened here at the Fisherman's Club that you haven't been able to work? It's got to do with your disability, right?" Ms. DaSilva shortly thereafter answered, "Just about, yeah" to the question, "Is it fair to say that it's a period of about six months that you really could not work after you left this job?", but I find that an incredible, unpersuasive attempt to backtrack from her previous testimony linking her disability to her inability to find subsequent employment. I find Ms.

DaSilva's experience working at the UFC did not prevent her from seeking or obtaining subsequent employment.

10. Mr. Almeda's sexualized comments had a profound impact upon Ms. DaSilva as evidenced by the following. Before working at the UFC, Ms. DaSilva was a happy, outgoing and playful person. This changed because of Mr. Almeda's comments. While working at the UFC, Ms. DaSilva ended the relationship with her boyfriend because she could no longer be affectionate and intimate. Beginning while she worked at the UFC, and continuing to the time of the hearing, Ms. DaSilva no longer wore tight clothing because she did not want anyone to see her figure. As she explained, "[e]ven now sometimes in certain places, like, I'll catch a guy looking at me and then I'll just get those feelings again. Yeah. Like, just dirty." During her employment at the UFC, Ms. DaSilva experienced low self-esteem and some depression. Approximately six months after leaving the UFC, while she was suffering from severe depression, Ms. DaSilva began receiving weekly in-person counseling for about a year. At some point after leaving the UFC, Ms. DaSilva began taking anti-anxiety medication for a period. Ms. DaSilva no longer likes leaving her house.<sup>5</sup> DaSilva Testimony.

## II. CONCLUSIONS OF LAW

### A. THE UFC IS AN "EMPLOYER" PURSUANT TO M.G.L. c. 151B

Before addressing the merits of Ms. DaSilva's sexual harassment and retaliation claims, I address two issues regarding whether the UFC was an "employer" under M.G.L. c. 151B. First, I analyze whether the UFC had enough employees to be an "employer." An entity is not an "employer" unless it has at least six employees. M.G.L. c. 151B, § 1(5). More specifically, if, at any time, during Ms. DaSilva's employment,

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<sup>5</sup> The record suggests there are additional reasons for Ms. DaSilva's isolated lifestyle. Ms. DaSilva has been in pain management for almost 20 years. She has not driven a vehicle in a few years as she was in a car accident and almost broke her neck. DaSilva Testimony.

the UFC had six or more employees, then it is an “employer.” MCAD & Pavlov v. Happy Floors, Inc. & New Floors, Inc., 44 MDLR 9, 12-13 (2022); Tunstall v. Acticell H'W Cosmetics & Weizmann, 22 MDLR 284, 287 (2000), vacated on other grounds, 25 MDLR 301 (2003). As detailed in the findings of fact, during Ms. DaSilva’s employment, the UFC, at times, had six or more employees. Second, an entity is not an “employer” if it conducts itself as “a club exclusively social, or a fraternal association or corporation, if such club, association or corporation is not organized for private profit.” M.G.L. c. 151B, §1(5). This provision does not apply, because as detailed in the findings of fact, the UFC was a business that was open to the public. Thus, the UFC is an “employer” under c. 151B.

#### B. CLAIMS OF SEXUAL HARASSMENT

It is unlawful “for an employer, personally or through its agents, to sexually harass any employee.” M.G.L. c. 151B, § 4(16A). 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 (“*quid pro quo*”); or (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 (“hostile work environment”). M.G.L. c. 151B, § 1(18).

#### Continuing Violation Doctrine

Before analyzing the elements of the sexually hostile work environment claim, I address which of Mr. Almeda’s comments may be considered in determining if there was a sexually hostile work environment. Pursuant to 804 CMR 1.04(3) (2020), Ms. DaSilva had 300 days after the alleged harassment to file a complaint with the Commission. Ms. DaSilva filed the Complaint on January 16, 2020. Three hundred days before January 16, 2020, was March 22, 2019.

Ms. DaSilva timely filed the Complaint as to the Good F\* Comment, Sushi Comment, Good Enough Comment and Better Job Comment as each such comment was made after March 22, 2019. However, Ms. DaSilva failed to establish that the Happy Man Comments were made on or after March 22, 2019. The Happy Man Comments cannot be considered in the hostile work environment analysis, unless the Happy Man Comments are considered part of a continuing violation. The continuing violation doctrine recognizes that “[i]ncidents of sexual harassment serious enough to create a work environment permeated by abuse typically accumulated over time, and ... seemingly disparate incidents may show a prolonged and compelling pattern of mistreatment that have forced a plaintiff to work under intolerable, sexually offensive, conditions.” Cuddyer v. Stop & Shop Supermarket Co., 434 Mass. 521, 532–533 (2001). Pursuant to this doctrine, the Happy Man Comments may be considered in assessing whether a sexually hostile work environment existed, if Ms. DaSilva proves that (1) at least one act of harassment occurred within the 300 days period and (2) had a substantial relationship to the Happy Man Comments. In addition, she must prove that the Happy Man Comments did not trigger her “awareness and duty” to assert her rights. Ocean Spray Cranberries, Inc. v. Massachusetts Comm'n Against Discrimination, 441 Mass. 632, 643 (2004). The third element examines, whether at the time of the otherwise untimely conduct, the situation was pervasively hostile and unlikely to improve so that a reasonable person in Ms. DaSilva’s position would have filed a complaint with the Commission within 300 days thereafter. Cuddyer v. Stop & Shop Supermarket Co., 434 Mass. 521, 541 (2001).<sup>6</sup> The doctrine’s elements have been established. First, the Good F\* Comment, Sushi Comment, Good Enough Comment and Better Job Comment were all made within the 300 days limitations period. Second, the Good F\* Comment, Sushi Comment, Good Enough Comment and Better Job Comment were substantially related to the Happy Man Comments as all those comments were made by Mr. Almeda, made to Ms. DaSilva and evidenced that Mr. Almeda wanted to have sex with Ms. DaSilva. Third, the Happy Man Comments were the first

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<sup>6</sup> I do not examine whether the comments made by Mr. Almeda to Ms. DaSilva identified in paragraph 5(a) could be revived by the continuing violation doctrine because those comments did not offend her. I have not relied upon such comments in assessing whether a sexually hostile work environment existed.

comments by Mr. Almeda that Ms. DaSilva found offensive. Even assuming that one or more Happy Man Comment was made after Ms. DaSilva unsuccessfully asked Mr. Almeda to stop, and Mr. Dos Santos for help, the situation had not reached the point where a reasonable person would have perceived it as pervasively hostile and unlikely to improve. Thus, the Happy Man Comments are included in the analysis that follows regarding whether there was a sexually hostile work environment.

### Sexually Hostile Work Environment

A sexually hostile work environment is one that is "pervaded by harassment or abuse" resulting in "intimidation, humiliation, and stigmatization" that poses a "formidable barrier" to the employee's "full participation" in the workplace. Gyulakian v. Lexus of Watertown, Inc., 475 Mass. 290, 296 (2016); Hernandez v. Beautiful Rose Corp. d/b/a Strega Waterfront Restaurant, The Varano Group & Salvatore Firicano, 39 MDLR 127, 130 (2017). To establish a sexually hostile work environment, Ms. DaSilva must demonstrate that she was subjected to unwelcome verbal or physical conduct of a sexual nature which was both objectively and subjectively offensive and that had the "purpose or effect of unreasonably interfering with [Ms. DaSilva's] work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment." M.G.L. c. 151B, § 1(18); Gyulakian, 475 Mass. at 296.

Ms. DaSilva has proven that Mr. Almeda's comments were of a sexual nature. The Happy Man Comments, Good F\* Comment, Sushi Comment, Good Enough Comment and Better Job Comment all evidenced that Mr. Almeda wanted to have sex with Ms. DaSilva.

Ms. DaSilva has proven that the sexual comments made by Mr. Almeda offended her and were unwelcome. Ms. DaSilva asked Mr. Almeda to stop making comments. Ms. DaSilva complained to Mr. Dos Santos about Mr. Almeda's comments. Ms. DaSilva's protest of the sexualized comments demonstrate that they offended her and were unwelcome. "When an employee subjectively experiences conduct to be offensive, as a practical matter, that also demonstrates that conduct is unwelcome." MCAD Guidelines on Harassment in the Workplace, (2024) at p. 9.

Lastly, Ms. DaSilva has established that Mr. Almeda's conduct had the effect of unreasonably interfering with her work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment. For this issue, the evidence is considered from "the view of a reasonable person in [Ms. DaSilva's] position." Ramsdell v. Western. Mass Bus Lines, Inc, 415 Mass. 673, 677-78 & n. 3 (1993) (quoting Gnerre v. MCAD, 402 Mass. 502, 507 (1998)). "In evaluating whether conduct unreasonably interferes with an employee's work performance, the Commission will consider the totality of the circumstances, including but not limited to: the nature of the conduct; whether the conduct makes it more difficult for a reasonable person to perform their work; whether the conduct would undermine a reasonable employee's sense of well-being in the workplace.... The MCAD and the courts look at whether conduct was 'severe or pervasive' as a measure of whether it created an intimidating, hostile, humiliating, or sexually offensive work environment, but the ultimate focus is on whether, given the totality of all relevant circumstances, the conduct meets the definition of sexual harassment under the law." MCAD Guidelines on Harassment in the Workplace, (2024) at pp. 10-11. The Happy Man Comments, Good F\* Comment, Sushi Comment, Good Enough Comment and Better Job Comment were a pattern of blunt and crude expressions of desire for sexual intercourse from a manager to a subordinate that utterly disregarded the subordinate's personal integrity and autonomy. That conduct would make it more difficult for a reasonable person to perform their work. That conduct would undermine a reasonable employee's sense of well-being in the workplace. The totality of the circumstances demonstrates that Mr. Almeda's conduct toward Ms. DaSilva establishes the final element of a sexually hostile work environment.

Having established that Ms. DaSilva was subjected to a sexually hostile work environment, the final issue is whether the UFC is liable for Mr. Almeda's conduct. It is. Because Mr. Almeda was a manager, UFC is strictly liable to Ms. DaSilva for Mr. Almeda's sexual harassment. College-Town, Div. of Interco, Inc. v. Massachusetts Comm'n Against Discrimination, 400 Mass. 156 (1987).

### Quid Pro Quo Sexual Harassment

To prevail on her claim of *quid pro quo* sexual harassment, Ms. DaSilva must prove that her submission to, or rejection of, sexual advances, requests or conduct by Mr. Almeda was made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions. M.G.L. c. 151B, § 1(18). Ms. DaSilva has demonstrated that she was subjected to verbal conduct of a sexual nature. However, the record is devoid of evidence that her submission to, or rejection of, such conduct was made either explicitly or implicitly a term or condition of her employment or as a basis for employment decisions. The claim for *quid pro quo* sexual harassment is dismissed.

### C. RETALIATION CLAIM

The final claim is whether the UFC terminated Ms. DaSilva's employment in retaliation for her refusal of Mr. Almeda's sexual advances. Under M.G.L. c. 151B, § 4(4), it is unlawful for an employer to "discharge, expel or otherwise discriminate" against any person because "[s]he has opposed any practices forbidden under [Chapter 151B]." Psy-Ed Corp. v. Klein, 459 Mass. 697, 707 (2011).<sup>7</sup> The premise upon which Ms. DaSilva's retaliation claim entirely rests is that the UFC terminated her employment. As demonstrated, it did not. Ms. DaSilva quit.<sup>8</sup> Without an adverse employment action committed in response to protected conduct, I dismiss the retaliation claim.

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<sup>7</sup> To prevail on a retaliation claim, Ms. DaSilva must prove that: (a) she reasonably and in good faith believed that the UFC was engaged in wrongful discrimination; (b) she acted reasonably in response to that belief through acts meant to protest or oppose such discrimination; (c) the UFC took adverse action against her; and (d) the adverse action was in response to the protected conduct. Verdrager v. Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, P.C., 474 Mass. 382, 405-06 (2016).

<sup>8</sup> I analyzed whether the circumstances leading to Ms. DaSilva's quitting warranted a finding of constructive discharge. Although distressing, the circumstances do not warrant that finding. To establish a constructive discharge, Ms. DaSilva must demonstrate that the working conditions at the UFC were "so difficult or unpleasant that a reasonable person in [her] shoes would have felt compelled to resign." GTE Prods. Corp. v. Stewart, 421 Mass. 22, 34 (1995). The "adverse working conditions must be unusually aggravated or amount to a continuous pattern before the situation will be deemed intolerable." Id. Also, constructive discharge requires a showing that "there is no longer any possibility of rescuing the employment relationship." Rubin v. Household Commercial Fin. Servs., Inc., 51 Mass. App. Ct. 432, 447 (2001). This high standard was not met.

### III. REMEDIES

#### A. EMOTIONAL DISTRESS DAMAGES

In Stonehill Coll. v. Massachusetts Comm'n Against Discrimination, 441 Mass. 549, 575–76 (2004), the Supreme Judicial Court enunciated principles for the imposition of emotional distress damages after a hearing pursuant to M.G.L. c. 151B, § 5. Applying the principles, I find that \$25,000 is a fair, reasonable and proportionate amount of damages for the emotional distress suffered by Ms. DaSilva because of the sexually hostile work environment to which she was subjected. Mr. Almeda's conduct had a prolonged and pervasive negative impact on her emotional health. During a roughly six-month period, Ms. DaSilva was the recipient of numerous comments by her manager implying that he wanted to have sex with her. The comments caused Ms. DaSilva emotional distress during, and after, her employment with the UFC. Before working at the UFC, Ms. DaSilva was a happy, outgoing and playful person. This changed because of the comments. Beginning while she worked at the UFC, and continuing to the time of hearing, Ms. DaSilva no longer wore tight clothing because she did not want anyone to see her figure. While working at the UFC, Ms. DaSilva ended the relationship that she was in because she could no longer be affectionate and intimate. During her employment there, she experienced low self-esteem and some depression. About six months after leaving the UFC, she was suffering severe depression and began receiving weekly in-person counseling for about a year. At some point after leaving the UFC, Ms. DaSilva began taking anti-anxiety medication. Her employment with the UFC played a role in her increasingly isolated lifestyle.

#### B. LOST WAGES

I decline to award lost wages to Ms. DaSilva. First, she was not fired by the UFC. Ms. DaSilva quit. Second, I found that the sexually hostile work environment that Ms. DaSilva was subjected to at the UFC did not prevent her from seeking or obtaining subsequent employment.

#### **IV. ORDER**

For the reasons detailed above, and pursuant to the authority granted me under M.G.L. c. 151B, § 5, I order the following:

- A. UNITED FISHERMAN CLUB, INC. shall immediately cease and desist from sexual harassment in employment.
- B. UNITED FISHERMAN CLUB, INC. shall pay ANDREA DASILVA emotional distress damages in the amount of \$25,000 with interest thereon at the rate of 12% per annum from the date the Complaint was filed with the Commission until such time as payment is made or until this Order is reduced to a Court judgment and post-judgment interest begins to accrue.
- C. Within 60 days of receipt of this decision, UNITED FISHERMAN CLUB, INC. shall contact the Commission's Director of Training to schedule a training on sexual harassment which shall be held within 90 days of receipt of this decision and attended by all its officers and managers. UNITED FISHERMAN CLUB, INC. shall be responsible for all fees assessed for this training. For purposes of enforcement, the Commission shall retain jurisdiction over training requirements.

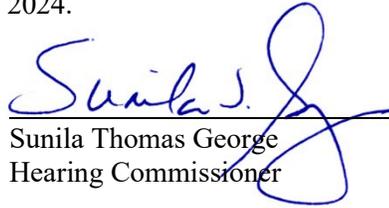
#### **V. NOTICE OF APPEAL**

This decision represents the final order of the Hearing Officer. Any party aggrieved by this Order may appeal this decision to the Full Commission. To do so, a party must file a Notice of Appeal within 10 days of receipt of this decision and file a Petition for Review within 30 days of receipt of this decision. 804 CMR 1.23 (2020). If a party files a Petition for Review, the other party has the right to file a Notice of Intervention within 10 days of receipt of the Petition for Review and shall file a brief in reply to the Petition for Review within 30 days of receipt of the Petition for Review. 804 CMR 1.23 (2020). All filings referenced in this paragraph shall be made with the Clerk of the Commission, with a copy served on the other party.

**VI. PETITION FOR ATTORNEYS' FEES AND COSTS**

Any petition for attorneys' fees and costs for Complainants' Counsel shall be submitted to the Clerk of the Commission within 15 days of receipt of this decision. Pursuant to 804 CMR 1.12 (19)(2020), such petition shall include detailed, contemporaneous time records, a breakdown of costs and a supporting affidavit. Respondent may file a written opposition within 15 days of receipt of said petition. All filings referenced in this paragraph shall be made with the Clerk of the Commission, with a copy served on the other party.

So ordered , this 15<sup>th</sup> day of October, 2024.

  
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Sunila Thomas George  
Hearing Commissioner