

THE COMMONWEALTH OF MASSACHUSETTS
COMMISSION AGAINST DISCRIMINATION

MCAD and
Lamont K. Davis,
Complainants

v.

DOCKET NO. 07-BEM-02201

Local 863 International Assoc. of
Firefighters
Respondents

DECISION OF THE FULL COMMISSION

On October 2, 2013, Hearing Officer Eugenia Guastaferrri issued a decision in favor of Complainant on his claim of race discrimination in the above-entitled matter and ordered Respondent local union to pay Complainant \$20,000 in damages for emotional distress and to establish a clear and transparent written policy for granting loans to its members. Respondent was duly notified of the decision and of its right of appeal to the Full Commission. On October 16, 2013, Respondent's counsel filed a Notice of Appeal to the Full Commission.

The Commission's Rules of Procedure at 804 C.M.R. 1.23(1) 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 commissioner or 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

Respondent has not filed a Petition for Review as required by 804 C.M.R 1.23.

As a result of the failure to perfect its appeal in accordance with Commission regulations, Respondent's appeal is hereby dismissed. The Complainant has filed a Petition for Attorney's fees. In accordance with Commission policy, where an appeal has been dismissed, and the Complainant has prevailed, the Hearing Officer shall issue a decision on the Complainant's Petition for fees, and the Hearing Officer's decision with respect to liability, damages and fees shall be final and binding, and not subject to review pursuant to G.L. c. 30A.

So Ordered this 2nd day of May, 2014.

Jamie Williamson
Chairwoman

Sunila Thomas George¹
Commissioner

¹ Pursuant to 804 CMR 1. 23 (1)(c), the Investigating Commissioner may participate in the deliberations of the Full Commission where necessary to create a quorum of two Commissioners.