COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOSE SANTIAGO, Complainant	:	
v.	:	PHRC CASE NO. 200505538 EEOC CHARGE NO. 17FA661400
TEMPLE UNIVERSITY HOSPITAL, Respondent	:	

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF HEARING PANEL

FINAL ORDER

FINDINGS OF FACT

1. The Complainant, Jose Santiago, (hereinafter "Santiago"), was born in Puerto Rico. (N.T. 51).
2. Santiago was hired in 1999 by the Respondent, Temple University Hospital, (hereinafter "Hospital"). (N.T. 175).
3. In 2006, Santiago worked in the Hospital's Environmental Services Department performing housekeeping duties in the operating room. (N.T. 51).
4. Hospital employees are union members. (N.T. 79, 80).
5. Santiago was supervised by Delores Campbell who reported to Robert Hoger, the Assistant Director of Environmental Services. (N.T. 126,130,134).
6. Prior to October 3, 2004, the Hospital's work rules each carried a starting penalty for an employee's violation of a rule. (N.T. 151–152, 187).
7. On October 3, 2004, new work rules became effective establishing a set progressive discipline scheme for violations of rules except for the violation of an immediate discharge offense. (N.T. 103-104, 118, 163, 186–187, 197, 208, 294; RE 5).
8. Under the new rules, certain rule violations rise to the level of immediate termination. (N.T. 186-187, 197, 208, 294).
9. In August 2000, Santiago was terminated for yelling at and threatening a supervisor. (N. T. 154, 156, 191-192, 193, 290).

* To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Facts. The following abbreviations will be utilized throughout these findings of Fact for reference purposes:

N.T.	Notes of Testimony
C.E.	Complainant's Exhibit
R.E.	Respondent's Exhibit
G.D.	Green Deposition
G.D.E.	Green Deposition Exhibit

10. Following Santiago's termination, the Union requested the Hospital to return Santiago to work in exchange for a "last chance agreement". (N. T. 290-292).

11. In effect, the last chance agreement acknowledged that if Santiago ever threatened another employee or was ever involved in behavior similar to the behavior that led to his termination, such an offense would be considered an immediate termination offense. (N. T. 193).

12. The Hospital agreed to allow Santiago to return to work in exchange for the last chance agreement. (N.T. 290).

13. Absent the Hospital agreeing, the Union was not prepared to challenge Santiago's termination through arbitration. (N. T. 193).

14. The Union was prepared to allow Santiago's termination to stand. (N. T. 193).

15. On November 27, 2001, Santiago received a three day suspension for disorderly conduct. (N.T. 156).

16. On October 14, 2002, Santiago received another three day suspension after he left work without permission. (N. T. 62, 64, 163).

17. Santiago was informed he was mandated to work overtime but Santiago left without working the mandated period. (N. T. 62-64, 65-66).

18. In May 2004, Santiago was again suspended for three days after, in the workplace, he engaged in a dispute with Maria Cruz, the Mother of his children, also a Hospital employee. (N.T. 60, 61, 307).

19. The Temple police were called and reported that Santiago had been verbally threatening, and abusive and that Maria Cruz was cowering away from Santiago. (N.T. 72, 211, 212; RE 9).

20. A restraining order was issued and Santiago was required by the City of Philadelphia to attend anger management training. (N.T. 231, 307).

21. On January 25, 2006, Santiago and a co-worker, William Jones had gone to the Hospital's supply storeroom to retrieve supplies. (N.T. 54).

22. Due to a lot of theft of supplies in prior years, the Hospital assigned an Environmental Services Department employee as the supply storeroom attendant. (N.T. 199-200).

23. The first employee to hold the position of supply storeroom attendant was Richard Green, (hereinafter "Green"). (N. T. 32, 199, 246, 248; GD 7).

24. The Hospital included in the job description of the supply storeroom attendant the responsibility to monitor and evaluate the use of supplies by others. (N. T. 202).

25. Further, the supply storeroom attendant was responsible for the supply inventory and made accountable for items in the storeroom. (N.T. 200, 254).

26. Hospital management was aware that Green did not get along with his co-workers in the Environmental Services Department and that many employees had problems regarding their interactions with Green. (N.T. 38, 42, 45, 58, 80, 81, 82, 127, 203, 272).

27. Inappropriately, on the morning of January 25, 2006, Santiago had been given the key to the supply storeroom when Green was not present at the storeroom. (N.T. 34, 254).

28. As Santiago and William Jones began retrieving supplies, another co-worker; Dave Burgess, (hereinafter "Burgess") arrived for supplies. (N. T. 35).

29. As Santiago told Burgess to "take what you want", Green arrived. (N. T. 35; RE 4).

30. Santiago testified that Green began to insult him saying he is a "crybaby" and asking who gave him the key. (N. T. 55).

31. Santiago offered that Green then came at him and all he did was to put his hands up to protect himself. (N. T. 56).

32. Generally, Green's version is that when he heard Santiago tell the others to "get what ever you want", Green, in effect, responded by saying just take what you need and don't listen to Santiago. (G.D. 62).

33. In effect, Green offered that he then said that when the story is told in the office and Green repeats what Santiago said, Santiago will deny it. (G.D. 62-63).

34. Green indicated that, at that point, he turned around and Santiago came over and shoved him. (G.D. 63).

35. Green also testified that Santiago told him he has seen him outside and that Green did not know who he was messing with. (G.D. 67).

36. William Jones had gone for a supervisor who, upon arriving at the storeroom solicited statements from William Jones, Burgess, and Green. (N. T. 185; RE 2, 3, 4).

37. Initially, Green said he would wait to make a statement as Green was hopeful that Santiago would come to him and apologize. (G.D. 63-64).

38. The supervisor persisted that Green make a statement, and when Green refused at first, he was informed that if he did not, he would be disciplined. (G.D. 64).

39. Both Green and Burgess' statements indicated that Santiago had shoved Green and in effect, threatened to see Green outside. (N. T 185; RE 2, 3).

40. William Jones did not see Santiago shove Green but declared in his statement that Santiago told Green he would see him outside. (N. T. 35, 185; RE 4(b).)

41. Robert Hoger (hereinafter "Hoger"), the Assistant Director of the Environmental Services Department, also interviewed William Jones, Burgess, and Charles

Anderson, who was outside of the storeroom when the incident occurred. (N. T. 124, 126, 128, 130; GD 67-68).

42. Assisting Hoger investigate the incident were Richard Lutman, Assistant Director of Labor Relations; Barry Johnson, Hoger's supervisor; and John McGough, the Associate Director of Human Resources. (N. T. 276-277, 285-286).

43. After reviewing the circumstances of the incident, the investigation team made the threshold decision to suspend Santiago pending further investigation and a final decision on appropriate discipline. (N. T. 116, 276-278, 287).

44. Danielle McNichol, the Hospital's Associate Vice President of Human Resources, Employee Relations and Employee Health Diversity Officer and Affirmative Action Officer, was called by Lutman and McGough and asked to review the applicable work rule and to offer an opinion regarding whether termination of Santiago was appropriate. (N. T. 182-183, 241-242).

45. When asked to review the work rule and whether termination was appropriate, McNichol did not know who had been involved. (N. T. 183, 283-284).

46. Initially, the only information McNichol had was what had purportedly occurred. (N. T. 183).

47. McNichol's initial evaluation was that termination was appropriate for threats of workplace violence. (N. T. 183-184,241).

48. Santiago was terminated for having shoved and verbally threatening a co-worker. (N. T. 69; CE 2).

49. Although informed he was not allowed to return to the Hospital unless summoned, Santiago twice returned. (N. T. 216, 218)

50. On Santiago's second return to the Hospital after his termination, he threatened several employees including Green. (N. T. 218).

51. Following his termination the Union filed a grievance that only went through three levels of the grievance process, however, at the third step of the grievance process, the Union noted their agreement with the termination and decided not to arbitrate Santiago's termination. (N.T. 264)

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission has jurisdiction over Santiago, the Hospital and the subject matter of Santiago's complaint under the Pennsylvania Human Relations Act ("PHRA").
2. The parties have fully complied with the procedural prerequisites to a Public Hearing in this matter.
3. Santiago is an individual within the meaning of Section 5(a) of the PHRA.
4. The Hospital is an employer within the meaning of the PHRA.
5. The complaint filed in this case satisfies the filing requirements found in the PHRA.
6. The PHRA prohibits employers from discriminating against individuals because of their national origin.
7. Santiago has the burden to established a *prima facie* case by a preponderance of evidence by showing:
    a. That he is a member of a protected group;
    b. That he was qualified for the position he held;
    c. That he was terminated; and
    d. That his termination was under circumstances that give rise to an inference of discrimination.
8. Santiago failed to establish a prima facie case of national origin discrimination, because he failed to establish that he was discharged under circumstances that gave rise to an inference of discrimination.

OPINION

This case arises on a complaint filed by Jose Santiago, (hereinafter "Santiago"), against Temple University Hospital, (hereinafter the ("Hospital") on or about March 13, 2006, at PHRC Case No. 200505538. In his complaint, Santiago alleged that the Hospital terminated him from his position in the Hospital's Environmental Services Department because of his national origin, Puerto Rico. Santiago's claim alleges that the Hospital violated Section 5(a) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §§951 et. Seq. (hereinafter "PHRA").

Pennsylvania Human Relations Commission, (hereinafter "PHRC) staff conducted an investigation and found probable cause to credit Santiago's allegation of unlawful discrimination. The PHRC and the parties attempted to eliminate the alleged unlawful practice through conference, conciliation and persuasion. However, these efforts were unsuccessful, and this case was approved for Public Hearing. The Public Hearing was held on October 23, 2007, before a three member panel of Commissioners consisting of M. Joel Bolstein, Panel Chairperson; Raquel Otero de Yiengst, Panel Member; and Daniel L. Woodall, Jr., Panel Member. PHRC staff attorney Norman Matlock represented the state's interest in the complaint, Johnny J. Butler, Esquire and Fay Trachtenberg, Esquire appeared on behalf of the Hospital. Following the Public Hearing, the parties were afforded the right to file post-hearing briefs. The post-hearing brief on behalf of the Hospital was received on January 3, 2008, and the PHRC regional office post-hearing brief was received on January 7, 2008.

Section 5(a) of the PHRA provides in relevant part:

> It shall be an unlawful discriminatory practice... for any employer because of the national origin... of any individual... to discharge from employment such individual... if the individual... is the best able and most competent to perform the services required...

When a Complainant alleges disparate treatment, liability depends on whether national origin actually motivated the termination decision. Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 141, (2000) citing Hazen Paper Co. v. Biggins., 507 U.S. 604, 610 (1993). Generally, Complainants have an opportunity to demonstrate intentional national origin discrimination in two ways: (1) by presenting direct evidence of discrimination under Price Waterhouse v. Hopkins., 490 U.S. 228 (1989); or (2) by presenting indirect evidence of discrimination that satisfies the oft-cited familiar three-step analytical framework of McDonnell Douglas Corporation., v. Green., 411 U.S. 792 (1973).

Here, since no direct evidence was presented, we turn to a disparate treatment analysis under the McDonnell Douglas proof formula which requires an initial *prima facie* showing by a Complainant and if a *prima facie* case can be established, a burden of production shifts to a Respondent to articulate a legitimate non-discriminatory reason for its actions. Finally a burden of persuasion shifts back to a Complainant to prove by a preponderance of evidence that the reasons offered by a Respondent for its actions are a pretext and that actual discriminatory reasons motivated the Respondent. Throughout this formula, Santiago retains at all times the ultimate burden of persuasion that his termination was motivated by national origin discrimination. See St. Mary's Honor Ctr. v. Hicks, 509 U.S. 502, 62 FEP Case 96 (1993).

Both the PHRC post-hearing brief and the Hospital's post-hearing brief submit there are four elements to a requisite *prima facie* showing. First, Santiago must establish that he is in a protected class. Second, Santiago must show that he was qualified for the position. Third, Santiago must establish that he suffered an adverse employment decision. Finally, that Santiago must establish that he was discharged under circumstances that give rise to an inference of discrimination. Spanish Council of York.

v. PHRC., 879 A2d 391 (Pa. Commonwealth Ct. 2005). Both the Hospital's post-hearing brief and the PHRC post-hearing brief submit that the fourth element requires Santiago to show that he was treated less favorably than "similarly situated" persons outside his protected class.

In McDonnell Douglas, the U.S. Supreme Court observed that the elements of a *prima facie* showing will necessarily vary. 411 U.S. at 802. Indeed, the fourth element of the requisite *prima facie* showing in termination cases is frequently listed as the element suggested by the post-hearing briefs of the parties.

We are mindful that a major purpose of requiring a *prima facie* showing is to eliminate the most obvious lawful reasons for an adverse action. In Furnco Construction Corporation v. Waters., 438 U.S. 567 (1978), the U.S. Supreme Court explained that the *prima facie* showing was never intended to be rigid, mechanized, or ritualistic.

In effect, the Hospital's post-hearing brief concedes that Santiago can establish the first three elements of the requisite *prima facie* showing. The Hospital focused its initial argument on the contention that Santiago failed to prove there are individuals similarly situated to Santiago who are not in his protected class who received more favorable treatment. Conversely, the PHRC regional office post-hearing brief generally submits there were four individuals who were treated significantly different with respect to discipline. Additionally, the PHRC regional office post-hearing brief appears to argue that Santiago did not shove Green at all but simply put up his hands when Green purportedly came towards him.

Here, it is clear that those investigating the incident, had statements from Green and Burgess that declared that Santiago both shoved Green and then threatened him.

The question is not whether the reasons for a given decision are right but, instead, whether the employer's description of its reasons is honest. See Kariotis v. Navistar

International Transportation Corp., 131 F.3d 672, 677 (7th Cir. 1997); Pollard v. Rea Magnet Wire Co., 824 F.2d 557, 560, 44 FEP Cases 1137 (7th Cir. 1987); and Billups v. Methodist Hospital of Chicago, 922 F.2d 1300, 1304, 54 FEP Cases 1274 (7th Cir. 1991). Here, Santiago simply cannot demonstrate members of the Hospital's management were dishonest when they say they believed Green and Burgess' versions of the incident over Santiago's version.

Furthermore, while it is clear that Green's interactions with his co-workers was often less than appropriate, and that Hospital management was well aware Green was considered a serious problem by most of his co-workers, Green's disruptive demeanor did not single out Santiago, but was instead visited on just about everyone. There is no evidence that the Hospital intended to have Green aggravate Santiago with the ultimate goal of goading Santiago to become so frustrated that he would violate a serious work rule giving the Hospital reason to terminate Santiago because of his national origin, Puerto Rico.

Green annoyed most of his co-workers partly because of Green's abrasive personality and partly because of the inherent friction that grew from Green's role as monitor of supplies. Obviously, an outside observer might very well say that the Hospital failed to address a growing legitimate concern over Green being unable to get along with his co-workers. However, an unfair situation, absent discrimination based on national origin, is not an unlawful employment practice. See Dent v. Federal Mogul Corp., 84 FEP Cases 1711, 1715 (N.D. Ala. 2001).

Further, it is acknowledged that Santiago was well liked by many with whom he worked. Indeed, there were those who sought to intervene on his behalf when it appeared that he was about to be terminated. However, the reasonableness of the Hospital's disciplinary policies and their implementation is not a consideration in the

determination of whether Santiago has produced sufficient evidence to prevail on his national origin discrimination claim.

This brings us to the other main argument suggesting there is an inference of discriminatory animus sufficient to establish by a preponderance of evidence the fourth requisite element of the *prima facie* requirement. Santiago attempted to demonstrate that there are similarly-situated employees who were treated more favorably. As this is a national origin case, Santiago must also establish that those with whom he attempts to compare himself were not of Puerto Rican national origin. Despite an attempt by a panel member to ascertain the national origin of others, the only reference found in the record remotely relating to the nation origin of another employee is a vague reference to Gary Williams being "Afro American". (N. T. 175). This feature is a major discrepancy in the requisite *prima facie* showing. See Robertson v. Central Steel & Wire, Co., 84 FEP Cases 1440, 1444 (N.D. Ill 2000).

On the broader question, Santiago must also show that the Hospital treated him differently than other similarly situated employees who violated work rules of comparable seriousness, see Kendrick v. Penske Transportation Services, 80 FEP Cases 1381, 1386 (D.C. Kan. 1999); Ricks v. Riswood Int'l Corp., 38 F.3d 1016, 1019, 66 FEP Cases 257 (8th Cir. 1994); and McAlester v. United Airlines, Inc., 851 F.2d 1249, 1261, 47 FEP Cases 512 (10th Cir. 1988), and are similarly situated in all respects, see Michelson v. Waitt Broad, Inc., 187 F.Supp. 1059, 90 FEP Cases 1775 (N.D. Iowa 2002), aff'd 55 Fed. Appx. 401 (8th Cir. 2003); Graham v. Long Island R.R., 84 FEP Cases 276, 280 (2nd Cir. 2000) and Holifield v. Reno, 115 F,3d 1555, 1562, 74 FEP Cases 511 (11th Cir. 1997), without any mitigating or distinguishing circumstances that distinguish treatment. Clark v. Runyon, 84 FEP Cases 133, 135 (8th Cir. 2000); Lynn v. Deaconess Medical Center, West Campus, 160 F.3d 484, 487-88, 78 FEP Cases 595 (8th Cir. 1998); Das v.

Ohio State University, 84 FEP Cases 691, 694 (S.D. Ohio 2000); and Humpries v. CBOCS West, Inc., 474 F.3d 387, 404-05, 99 FEP Cases 872 (7th Cir. 2007)

Santiago attempted to identify several employees who allegedly received more advantageous treatment. Before a review of these individuals is made, one key distinguishing circumstance must be highlighted because it is legally significant. In 2000, Santiago was terminated after he threatened a supervisor. The only way he returned to work at the Hospital was because the Hospital accepted a union offer of a last chance agreement. Being subject to a last chance agreement renders Santiago unique. This feature alone sets Santiago apart from anyone with whom he seeks to compare himself. No person with whom Santiago seeks to compare himself was operating under the shadow of a last chance agreement.

Those with whom Santiago seeks to compare himself include Ronald Jones; Jeffrey Alexander; Gary Williams; and Green. Again, only Gary Williams' national origin was alluded to when Hoger was asked Gary Williams' national origin. Hoger's response was "Afro American". (N. T. 175).

Regarding Ronald Jones and Jeffrey Alexander, in March 2002, these two employees engaged in a yelling match in front of supervisors. Alexander eventually pushed Jones away and Jones purportedly told Alexander that he would punch Alexander in the chest and that he would meet Alexander outside. Both Jones and Alexander received three day suspensions and were placed on a one year disciplinary probation indicating that any future similar conduct may result in immediate discharge.

Had this situation occurred after October 3, 2004, both Alexander and Jones would have been subject to immediate termination. The October 2004 discipline policy adopted by the Hospital attempted to remove much of the discretion afforded supervisors in the previous disciplinary policy.

As the case law indicates, to be "similarly situated", one critical factor is that the compared employees "must...have been subject to the same standards..." See Das v. Ohio State University, 84 FEP Cases 691, 694 (S.D. Ohio 2000); Mitchell v. Toledo Hospital, 964 F.2d 577, 583, 59 FEP Cases 76 (6th Cir. 1992); Clark v. Runyon, 84 FEP Cases 133, 135 (8th Cir. 2000); See also, Kindrick v. Penske Transportation Services, 80 FEP Cases 1381, 1386 (D.C. Kan. 1999). Clearly, the discipline issued to both Jones and Alexander was based on the pre-2004 work rules policy and Santiago's termination relied on the new, post-2004, work rules policy. This significant difference means that Jones and Alexander's discipline as compared to Santiago's termination was not subject to the same standards. As such, Jones and Alexander are not similarly situated to Santiago.

The next employee with whom Santiago seeks to compare himself is Gary Williams. Evidence introduced regarding Williams' discipline history reveals numerous instances of discipline in the period between February 21, 1996 and September 18, 2000. Once again, all instances of discipline issued to Williams involve the pre-2004 work rule policy.

Furthermore, none of the instances resulting in discipline issued to Williams involved Williams either becoming physical or threatening anyone. In fact, of the seven instances of discipline issued to Williams, three involved a simple failure to record time in and out for which Williams was verbally warned. Also, one instance of inefficiently cleaning his area of responsibility, and one instance of a failure to meet productivity standards, leaving without permission, unauthorized use of property, and encouraging a violation of a work rule resulted in the issuance of verbal warnings. The final two instances of noted inappropriate behavior involved interactions Williams had with supervisors. One of these two instances resulted in a three day suspension and the other resulted in a memorandum to his file. The three day suspension resulted from Williams' reported

verbal abuse and use of profanity to a supervisor in July 1999. The memorandum to his file grew out of Williams' continuing to argue with a supervisor over a dispute about how well Williams had cleaned an area of his responsibility.

Beyond being pre-2004, Williams' discipline record does not reveal conduct similar enough to be deemed similarly situated to Santiago. In three major respects, Williams is not similarly situated to Santiago: he was not under a last chance agreement; the conduct for which he was disciplined did not involve either shoving or threatening behavior; and all his discipline was issued under the pre-2004 work rules policy.

This brings us to the final individual with whom Santiago seeks to compare himself, Richard Green. The evidence of Green's behavior that implicates work rules covers the period 1991 through May 20, 2005. Most often, during this period, minor infractions simply resulted in notes being written by Green's supervisor to his file. Between 1991 and 1996, ten notes were placed into Green's file generally covering a range of instances that did not amount to behavior anyone felt merited even a verbal warning.

Interestingly, one instance of discipline Green was issued in June 1998 was a three day suspension for failing to work overtime when mandated to do so. Santiago's record reveals that, like Green, Santiago also received the identical discipline for a refusal to work mandated overtime.

One incident involving Green occurred after October 2004, when the new work rules became effective. On May 26, 2005, Green was given an "initial discussion" for engaging in "inappropriate conduct" with a co-worker. On that occasion, it was decided that Green had accidentally hit Mary White, a co-worker, in the head with a box. Had Green's actions been found to have been intentional, the discipline issued to Green would be subject to a comparison to Santiago's. However since Green's behavior had been deemed accidental, there is no comparison to be made. Santiago's behavior was

found to have been intentional and subjected Santiago to immediate termination under the new work rules.

A full review of Green's record reveals that he too is not similarly situated to Santiago. Once again, the key feature that clearly distinguishes Santiago from all others with whom he seeks to compare himself is the fact that Santiago alone had earlier been returned to work in exchange for a last chance agreement. When Santiago shoved and threatened Green, he not only committed a violation that subjected him to immediate termination under the new work rules, he also activated the provisions of the last chance agreement.

Because Santiago has failed to show that he was treated less favorably than others not in his protected class who were similarly situated, Santiago fails to establish the requisite *prima facie* case.

Accordingly, we recommend that Santiago's national origin based discrimination case be dismissed.

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

JOSE SANTIAGO, **Complainant**	:	
v.	:	**PHRC CASE NO. 200505538** **EEOC CHARGE NO. 17FA661400**
TEMPLE UNIVERSITY HOSPITAL, **Respondent**	:	

RECOMMENDATION OF HEARING PANEL

Upon consideration of the entire record in the above-captioned case, we find that the Complainant has failed to prove discrimination in violation of Section 5(a) of the Pennsylvania Human Relations Act. It is therefore, our Recommendation that the attached Findings of Fact, Conclusions of Law, and Opinion be approved and adopted. If so approved and adopted, I recommend issuance of the attached Final Order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

M. Joel Bolstein
Panel Chairperson

Raquel Otero de Yiengst
Panel Member

Daniel L. Woodall, Jr.
Panel Member

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

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JOSE SANTIAGO, **Complainant**	:	
vi.	:	**PHRC CASE NO. 200505538** **EEOC CHARGE NO. 17FA661400**
TEMPLE UNIVERSITY HOSPITAL, **Respondent**	:	

FINAL ORDER

AND NOW, this 20th day of May, 2008, after a review of the entire record in this matter, the full Pennsylvania Human Relations Commission, pursuant to Section 9 of the Pennsylvania Human Relations Act, hereby approves the foregoing Findings of Fact, Conclusions of Law, and Opinion of the Hearing Panel. Further, the full Commission adopts said Findings of Fact, Conclusions of Law and Opinion as its own findings in this matter and incorporates the same into the permanent record of this proceeding, to be served on the parties to the complaint and hereby

ORDERS

that the complaint in this case be, and the same is hereby dismissed.

By: Stephen A. Glassman, Chairperson

Attest:

Dr. Daniel D. Yun, Secretary