

STATE OF CONNECTICUT
OFFICE OF PUBLIC HEARINGS

December 7, 2015

CHRO No. 1340202 - Commission on Human Rights and Opportunities ex rel. Dionne Garcia,
Complainant, v. Connecticut Family Care LLC, Respondent

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Corrected
Decision on Hearing in Damages Pursuant To An Order of Default
Entered by the Executive Director¹

On December 4, 2012, Dionne Garcia ("complainant") filed an affidavit of illegal discriminatory practice complaint with the Commission on Human Rights and Opportunities ("commission"). In her complaint, the complainant alleged Connecticut Family Care, LLC ("respondent"), 281 Hartford Turnpike, Vernon, CT, 06066, discriminated against her in violation of General Statutes § 46a-60(a)(1), §46a-60(a)(4), and 46a-60(a)(8). The respondent failed to answer the complaint.

Thereafter, on October 18, 2013, Tanya Hughes, Acting Executive Director issued a default order that stated, in pertinent part, that "[t]he default is hereby being entered fifteen (15) days after the request for the default was made, in accordance with Section(s) 46a-54-46(a) and 46a-54-57a(c) of the Regulations of Connecticut State Agencies. The respondent did not answer the complaint under oath."

The default order was sent to the office of public hearings ("OPH") on November 8, 2013. On June 17, 2015, the undersigned issued a Notice of Hearing and Damages Pursuant to an Order of Default Entered by the Executive Director. The notice scheduled a default hearing for November 10, 2015 in the Office of Public Hearing. The notice stated, in pertinent part, that "[t]he sole purpose of the hearing is to determine the relief necessary to eliminate the discriminatory practice(s) alleged in the complaint and to make the complainant whole. The hearing will not address the issue of liability."

All procedural, notice, and jurisdictional prerequisites have been satisfied and this matter is properly before this presiding officer to hear the case regarding damages.

The hearing was held as scheduled. The complainant, commission counsel Carolyn Anderson, and respondent counsel Naveed A. Quraishi, appeared and were heard. After the hearing, the commission filed a Post Hearing in Damages Memorandum and a Prayer for Relief, dated November 18, 2015. The respondent did not file a post hearing brief.

The commission's Prayer for Relief requested back pay in the amount of \$5,400. It then noted that the total back pay award was "based on the following calculation: ... 18 weeks of back pay

¹ This corrects the Interest awarded section of the Order of Relief to correct the back pay figure. It should read \$4,650, not \$2,700.

at a rate of \$300.00 bi-weekly. Complainant was never paid during her employment with the Respondent from March 13, 2012 through October 18, 2012. Complainant's damages are as follows: $\$300.00 \times 18 = \$5,400.00$." (The undersigned notes that there are approximately 31 weeks in the period starting on March 13, 2012 and ending on October 18, 2012. The correct calculation appears to be \$4,650, i.e., 15.5 bi-weekly periods x \$300.00/bi-weekly period.)

The evidence reveals that the complaint was to receive \$300 every 2 weeks as part of her compensation. As noted in the commission memorandum, "the Complainant testified that she worked approximately 40 hours weekly and was told by [Jay T. Mohler-Avery] that she would be compensated \$300.00 bi-weekly, and allowed to live rent free, utilities included, in an apartment building owned by Mohler-Avery for a period of one year from March 2012 to March 2013. "

The commission's Prayer for Relief also requests that "[a]ll moneys paid to the Complainant shall include pre and post judgment interest in the amount of 10% compounded per annum to the date of such payment of such moneys to the complainant." The commission also seeks an order that "[t]he Respondent shall cease and desist for the practice complained of concerning the Complainant and concerning all employees who may or will in the future become similarly situated."

ORDER OF RELIEF

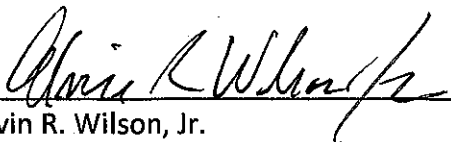
In accordance with the authority granted to the undersigned pursuant to subsections (a) and (b) of section 46a-86 to award damages for a violation of section 46a-60, I order that –

The respondent pays the complainant the sum of \$4,650.

The respondent shall also pay the complainant interest. Interest is awarded on the \$4,650 back pay from October 19, 2012 to the date of payment of such moneys to the complainant at the rate of 10% compounded per annum.

The respondent shall cease and desist from the practices complained of concerning the complainant and all employees who may or will in the future become similarly situated.

So ordered this 7th day of December 2015.


Alvin R. Wilson, Jr.
Presiding Human Rights Referee