

STATE OF CONNECTICUT  
OFFICE OF PUBLIC HEARINGS

CHRO No. 1330398 - Commission on Human Rights and Opportunities ex rel. Peter Roig,  
Complainant, v. State of CT, Department of Correction, Respondent, and University of  
Connecticut Health Center, Correctional Managed Health Care System, Respondent

**Ruling on the University of Connecticut Health Center Motion to Dismiss**


For the reasons set forth below, and having considered the arguments contained in the motion to dismiss, dated June 26, 2015, filed by the Respondent University of Connecticut Health Center ("UCHC"), the Memorandum of Law in Opposition, filed August 28, 2015, by the Commission on Human Rights and Opportunities ("CHRO"), and the UCHC Reply Memorandum of Law in Support, filed September 3, 2015, the motion to dismiss the complaint against the University of Connecticut Health Center ("UCHC") is granted.

The CHRO permitted the original complaint, filed on March 25, 2013, that named the only respondent to be the Connecticut Department of Correction, to be amended to add the UCHC, on September 15, 2014 -- far beyond the 180 day statutory filing period. The failure of the CHRO to recommend to the complainant that he file an affidavit of illegal discriminatory practice ("complaint") against the UCHC, or in the alternative amend his original complaint, until approximately 16 months after the complainant had filed it, and more than 16 months after any alleged discriminatory conduct by the UCHC, does not satisfy the requirements of equitable tolling articulated in Williams v. CHRO, 257 Conn. 258 (2001).

Furthermore, there is no evidence provided to this tribunal to support the conclusion that the UCHC was aware that the complainant had filed a complaint against the Connecticut Department of Correction with the CHRO, and therefore, had constructive notice that the complainant was likely to file a claim against the UCHC.<sup>1</sup>

To deny this motion to dismiss, on the facts before me, would render the mandatory statutory filing period meaningless and flout the intent of the legislature.

So ordered this 7th day of December 2015.

  
Alvin R. Wilson, Jr.  
Presiding Human Rights Referee

<sup>1</sup> Note -- The UCHC motion referenced a document that is not in the possession of the office of public hearings ("OPH"). The parties should note that when the CHRO refers cases to the OPH, pursuant to section 46a-84, only the complaint is sent to OPH, for the purpose of commencing a de novo contested case proceeding. None of the other documents provided to the commission during its investigation or processing of the complaint are sent to the OPH. The CHRO is a party to the action and human rights referees do not have access to the CHRO files.

FILED/RECEIVED  
CHRO - OPH  
2015 DEC -7 AM 11:46  
RECEIVED BY FILED CLERK