



State of Connecticut  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**  
**OFFICE OF PUBLIC HEARINGS**

450 Columbus Blvd, Suite 2, Hartford, CT 06103  
Telephone: 860-418-8770; Fax: 860-418-8780  
E-mail: [officeofpublichearings@ct.gov](mailto:officeofpublichearings@ct.gov)

*Promoting Equality and Justice for all People*

January 4, 2024

CHRO ex rel. Ron Hurt v. Alexicare Healthcare Aides, Inc. dba, CHRO No. 2230031 Fed No. 16a202101224.

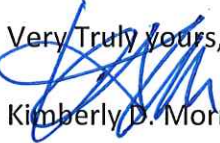
**FINAL DECISION RE: HEARING IN DAMAGES**

Dear Complainant/Respondent/Commission:

Transmitted herewith is a copy of the Presiding Referee's Final Decision Re: Hearing in Damages in the above captioned complaint.

The decision is being sent via email to the commission, complainant, and respondent.

Very Truly yours,

  
Kimberly D. Morris  
Secretary II

cc.

Ron Hurt  
[ronhurt71@gmail.com](mailto:ronhurt71@gmail.com)

Bobby Wong, Agent  
Alexicare Healthcare Aides Inc.  
Alexicare ABI Behavioral Mental Healthcare Inc.  
[bobbymwongusa@gmail.com](mailto:bobbymwongusa@gmail.com)  
[alexicarehha@gmail.com](mailto:alexicarehha@gmail.com)

Gabriela Sandoval, Human Rights Attorney  
[Gabriela.Sandoval@ct.gov](mailto:Gabriela.Sandoval@ct.gov)

Robin Kinstler-Fox, Human Rights Attorney  
[robin.fox@ct.gov](mailto:robin.fox@ct.gov)

Jon P. FitzGerald, Presiding Human Rights Referee

Commission on Human Rights : Office of Public Hearings  
and Opportunities ex rel. Ron Hurt, :  
Complainant : CHRO No. 2230031  
v. : Fed No. 16a-2021-01224  
Alexicare Healthcare Aides, Inc dba, Respondent : January 4, 2024

OFFICE OF  
PUBLIC HEARINGS - CHRO  
DATE 1/4/24  
TIME 8:45 AM  
RECEIVED BY KDM

**FINAL DECISION – HEARING IN DAMAGES  
AFTER THE ENTRY OF AN ORDER OF DEFAULT**

**I  
PRELIMINARY STATEMENT**

Ron Hurt, the complainant, filed his affidavit of illegal discriminatory practice (complaint) with the commission on human rights and opportunities (commission) on July 15, 2021. He alleged that his former employer Alexicare Healthcare Aides, Inc. (doing business and known as Alexicare ABI Behavioral Mental Healthcare Inc., Alexicare Home Healthcare Aides, LLC, Alexicare Home Health Aides, Inc., Alexicare ABI Behavioral Mental Healthcare Inc., and Assisted Living Companions and Nurses and collectively referred to as the respondent), violated General Statutes § 46a-60 (b) (1) and Title VII as enforced through General Statutes § 46a-58 (a). According to Mr. Hurt, the respondent discriminated against him in the terms and conditions of his employment, harassed him, sexually harassed him, and terminated his employment on June 29, 2021 because of his sex, male.

Pursuant to General Statutes § 46a-83 and section 46a-54-46a of the Regulations of Connecticut State Agencies, the executive director entered an order of default against the respondent on August 29, 2022 for its failure to file an answer under oath to the complaint.

A duly noticed hearing in damages was held on November 3, 2023. The commission and Mr. Hurt appeared to prosecute. No one appeared on behalf of the respondent. Pursuant to statute and regulation, the hearing in damages was limited to determining the relief necessary to eliminate the discriminatory practice and to make Mr. Hurt whole. Briefs were due on December 27, 2023.

For the reasons stated herein, the respondent is found by a preponderance of the evidence to have discriminated against Ron Hurt. Relief is ordered as set forth herein.

## **II PARTIES**

The parties to this action are the commission, 450 Columbus Blvd., Hartford, Connecticut; Ron Hurt, of New Haven, Connecticut; and Alexicare Healthcare Aides. Inc. doing business and known as Alexicare ABI Behavioral Mental Healthcare Inc., Alexicare Home Healthcare Aides, LLC, Alexicare Home Health Aides, Inc., Alexicare ABI Behavioral Mental Healthcare Inc., and Assisted Living Companions and Nurses, 192 Dixwell Avenue, New Haven, Connecticut.

## **III FINDINGS OF FACT**

References to testimony in the transcript are designated as "Tr." followed by the page number. References to the commission's exhibits are designated as CHRO followed by the exhibit number.

"Failure to answer any allegation or part of an allegation shall be deemed an admission of such allegation or part thereof without the need for further proof." Regs., Conn. State Agencies § 46a-54-86a (b).

Based upon the pleadings, exhibits, and an assessment of the credibility of the witness, the following facts relevant to this decision are found:

1. The complainant in this matter is Ron Hurt. CHRO-1.
2. The respondent in this matter is Alexicare Healthcare Aides. Inc. doing business and known as Alexicare ABI Behavioral Mental Healthcare Inc., Alexicare Home Healthcare Aides, LLC, Alexicare Home Health Aides, Inc., Alexicare ABI Behavioral Mental Healthcare Inc., and Assisted Living Companions and Nurses. CHRO-1, ¶¶ 3, 4.
3. Mr. Hurt self-identifies as male. CHRO-1, ¶ 2.
4. Mr. Hurt was an elected public official. He was active in the community and his church. Tr. 20.
5. Alexis Perkins was the respondent's president. CHRO-2.
6. The respondent employed Mr. Hurt from July 2020 to June 2021. Tr. 11.
7. The respondent hired Mr. Hurt as a patient care assistant. Tr. 12.
8. Mr. Hurt later began working in the office. Tr. 12.
9. Mr. Hurt was the only male employee working in the respondent's office. Tr. 14; CHRO-1, ¶ 8.
10. Ms. Perkins monitored Mr. Hurt closely and stood over him while he worked. Tr. 13.
11. Ms. Perkins raised her voice when speaking to Mr. Hurt. Tr. 13, 17.
12. Ms. Perkins directed outbursts at Mr. Hurt. She would rage at him. Tr. 13.

13. Ms. Perkins made derogatory comments about Mr. Hurt such as she could not trust him because he was a man and that she needed to keep her eyes on him. Tr. 13.
14. Ms. Perkins would enter Mr. Hurt's personal space. She would shake her fist in his face and jump up at him. Tr. 13, 17.
15. Mr. Hurt was concerned that Ms. Perkins would strike him with her fist. Tr. 17.
16. Ms. Perkins falsely accused Mr. Hurt of stealing money from the company. Tr. 21-22; CHRO-1, ¶ 11, 12.
17. Ms. Perkins would not answer Mr. Hurt directly when he asked her a question. She just raised her voice to him. Tr. 17.
18. Ms. Perkins frequently made derogatory and offensive sexual comments about Mr. Hurt to him and in front of other staff. Tr. 13-14, 18-19; CHRO-1, ¶¶ 11, 14, 15.
19. Ms. Perkins repeatedly belittled, harassed, and antagonized Mr. Hurt on a nearly daily basis. She did not treat female employees in the same disparaging manner. Tr. 14, 24; CHRO-1, ¶ 13.
20. Ms. Perkins publicly posted untrue, disparaging, embarrassing, and humiliating statements about Mr. Hurt on Facebook social media platform. Tr. 25; CHRO-1, ¶¶ 18, 20.
21. Ms. Perkins publicly posted untrue, disparaging, embarrassing, and humiliating statements about Mr. Hurt in an attempt to ruin his reputation and credibility. CHRO-1, ¶ 19.

22. Ms. Perkins and Mr. Hurt knew some of the same people. Ms. Perkins would call them and try to damage his reputation. Tr. 15.
23. Mr. Hurt and Ms. Perkins were at a public event with nearly 300 people when Ms. Perkins began publicly belittling Mr. Hurt. She made derogatory sexual remarks about him. Tr. 20.
24. Ms. Perkins threatened to go to Mr. Hurt's church to embarrass him. He became fearful of attending church. Tr. 20-21.
25. Mr. Hurt attempted to cope with Ms. Perkins' harassment by rushing through his work so that he could leave early. He tried to maintain a good atmosphere and positive interaction with the other office staff. He would listen to music. Tr. 16.
26. As a result of Ms. Perkins' behavior, Mr. Hurt felt harassed, embarrassed, and belittled. Tr. 15.
27. As a result of Ms. Perkins' behavior, Mr. Hurt withdrew and isolated himself from the community. He would go straight home from work and not participate in any outside events. Tr. 15, 19.
28. As a result of Ms. Perkins' behavior, Mr. Hurt had difficulty concentrating on his job duties. Tr. 16.
29. As a result of Ms. Perkins' behavior, Mr. Hurt had sleepless nights. His experience with her disrupted his whole sleep pattern. Tr. 21.
30. On or about June 29, Ms. Perkins notified Mr. Hurt and three female office employees that they were terminated. Tr. 27; CHRO-1, ¶ 17.

31. After terminating his employment, the respondent failed to pay Mr. Hurt his final paycheck. The respondent owed Mr. Hurt for two weeks of employment. Mr. Hurt had been working 60 hours per week at \$25.00 per hour. Tr. 27-28.
32. Ms. Perkins behavior continues to have a negative impact on Mr. Hurt. He is fearful whenever he is in a group of people or goes out into the community that she will show up and harass him. As a result, he has withdrawn from groups. Tr. 24-26, 28-29.
33. Ms. Perkins behavior continues to have a negative impact on Mr. Hurt. He continues to isolate himself from public events. Tr. 24-26.
34. Ms. Perkins behavior continues to negatively impact Mr. Hurt's personal and public relationships. His relationships have suffered. Because Mr. Hurt has reduced his involvement in the community, people who know him mistakenly think that he was withdrawn because he is no longer interested. Tr. 26-29.
35. As a result of Ms. Perkins behavior, Mr. Hurt continues to have difficulty in functioning properly in the community and his church. Tr. 28-29.

#### IV

#### DEFAULT APPLICABLE STATUTES AND REGULATIONS

A respondent must file an answer under oath to a complaint. General Statutes § 46a-83 (a); Regs., Conn. State Agencies § 46a-54-43a. If a respondent fails to file an answer, the executive director or designee is authorized to enter an order of default. General Statutes § 46a-83 (f); Regs., Conn. State Agencies § 46a-54-46a (a). Upon the entry of the order of default, the presiding human rights referee shall "enter, after notice

and hearing, an order eliminating the discriminatory practice complained of and making the complainant whole." § 46a-83 (f).

## VI DAMAGES

### A Statutes

The relief a complainant can be awarded is generally found in General Statutes § 46a-86. This section provides in relevant part that:

- (a) If, upon all the evidence presented at the hearing conducted pursuant to section 46a-84, the presiding officer finds that a respondent has engaged in any discriminatory practice, the presiding officer shall make written findings of fact and file with the commission and serve on the complainant and respondent an order requiring the respondent to cease and desist from the discriminatory practice and to take such affirmative action as is necessary to achieve the purpose of this chapter.
  
- (b) In addition to any other action taken under this section, upon a finding of a discriminatory employment practice, the presiding officer shall (1) issue an order to eliminate the discriminatory employment practice complained of and to make the complainant whole, including restoration to membership in any respondent labor organization, and (2) may (A) determine the amount of damages suffered by the complainant, including the actual costs incurred by the complainant as a result of the discriminatory employment practice, and (B) allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant. Liability for back pay shall not accrue from a date more than two years prior to the filing or issuance of the complaint. Interim earnings, including unemployment compensation and welfare assistance or amounts which could have been earned with reasonable diligence on the part of the person to whom back pay is awarded shall be deducted from the amount of back pay to which such person is otherwise entitled. The amount of any deduction for interim unemployment compensation or welfare assistance shall be paid by the respondent to the commission which shall transfer such amount to the appropriate state or local agency. . .



(c) In addition to any other action taken under this section, upon a finding of a discriminatory practice prohibited by section 46a-58, 46a-59, 46a-64, 46a-64c, 46a-81b, 46a-81d or 46a-81e, the presiding officer shall determine the damage suffered by the complainant, which damage shall include, but not be limited to, the expense incurred by the complainant for obtaining alternate housing or space, storage of goods and effects, moving costs and other costs actually incurred by the complainant as a result of such discriminatory practice and shall allow reasonable attorney's fees and costs. The amount of attorney's fees allowed shall not be contingent upon the amount of damages requested by or awarded to the complainant.

**B**  
**Standard**

**1**  
**Economic / backpay**

It is axiomatic that a plaintiff has a duty to make reasonable efforts to mitigate damages. . . . An employer seeking to reduce or avoid a back pay award bears the burden of demonstrating that a plaintiff has failed to satisfy the duty to mitigate. . . . The employer must therefore demonstrate that suitable work existed, and that the employee did not make reasonable efforts to obtain it. . . .

Whether a plaintiff made a reasonable effort to mitigate her damages under the circumstances of a particular case is a question of fact.

(Internal citations omitted; internal quotation marks omitted.) *Rossova v. Charter Communications, LLC*, 211 Conn. App. 676, 703-704, 273 A.3d 697 (2022).

**2**  
**Compensatory / emotional distress**

Section 46a-86 (c) authorizes the presiding officer to award compensatory, or emotional distress, damages for violations of statutes including §§ 46a-58 and 46a-64. *Commission on Human Rights & Opportunities v. Board of Education*, 270 Conn. 665, 694, 855 A.2d 212 (2004). "Punitive damages are not authorized. The CHRO's authority

for awarding damages differs from the authority of courts.” *Commission on Human Rights & Opportunities v Cantillon*, Superior Court, judicial district of New Britain, Docket HHB-CV-17-6039406, n. 9 (October 2, 2019) (2019 WL 5549576) aff’d, 207 Conn App 668 (2021), aff’d, 347 Conn 58 (2023); *Chestnut Realty, Inc. v. Commission on Human Rights & Opportunities*, 201 Conn. 350, 366 (1986). “Awarding of compensatory damages for emotional distress is not a science.” *Commission on Human Rights & Opportunities v Cantillon*, supra, 2019 WL 5549576, \*5.

A complainant need not present expert medical testimony to establish his or her internal, emotional response to the harassment; his or her own testimony, or that of friends or family members, may suffice. *Busche v. Burke*, 649 F.2d 509, 519 n. 12 (7<sup>th</sup> Cir.1981); see also, *Marable v. Walker*, supra. However, medical testimony may strengthen a case. *Id.* As the Supreme Court stated in *Carey v. Phipus*, “[a]lthough essentially subjective, genuine injury in this respect [mental suffering or emotional anguish] may be evidenced by one’s conduct and observed by others.” *Carey v. Phipus*, 435 U.S. 247, 264 n. 20, 98 S.Ct. 1042 (1978).

In assessing damages for emotional distress the CHRO referees use a three-factor analysis which was enunciated in the case of *Commission on Human Rights and Opportunities ex rel. Harrison v. Greco*, CHRO No. 7930433 (1985), and which is sometimes referred to as the “*Harrison* factors.” This analysis of emotional distress damages also has superior court support. *Commission on Human Rights and Opportunities ex rel Peoples v. Belinsky*, Superior Court, judicial district of Stamford–Norwalk at Norwalk, Docket No. 88061209 (November 8, 1988, Riefberg, J.). Under the *Harrison* analysis, the most important factor of such damages is the subjective internal emotional reaction of the complainants to the discriminatory experience which they have undergone and whether the reaction was intense, prolonged and understandable. *Harrison*, supra. Second, is whether the discrimination occurred in front of other people. *Id.* For this, the court must consider if the discriminatory act was in public and in view or earshot of other persons which would cause a more intense feeling of humiliation and embarrassment. *Id.* The third and final factor is the degree of the offensiveness of the discrimination and the impact on the complainant. *Id.* In other words, was the act egregious and was it done with the intention and effect of producing the maximum pain, embarrassment and humiliation.

*Commission on Human Rights & Opportunities v Sullivan Associates*, Superior Court, judicial district of New Haven, Docket CV 94 4031061s, CV 95 4031060s, 2011 WL 3211150, \*4 (June 6, 2011).

**3**  
**Interest**

The presiding officer is authorized to award pre-judgment and post-judgment interest on a back pay award. *Thames Talent Ltd. v Commission on Human Rights and Opportunities*, 265 Conn. 127 (2003).

**C**  
**Analysis**

**1**  
**Back pay**

Mr. Hurt is awarded backpay for his last two weeks of employment with the respondent at the rate of \$25 per hour for sixty (60) hours a week for two weeks in the amount of \$3,000.

**2**  
**Emotional distress**

Three factors are considered in determining the amount of compensatory emotional distress damages to be awarded pursuant to § 46a-86. The most important factor is the subjective internal reaction experienced by a complainant and whether that reaction was intense, prolonged, and understandable.

During Mr. Hurt's nearly year-long employment with the respondent, Ms. Perkins made sexist, derogatory, and offensive sexual remarks about Mr. Hurt to Mr. Hurt and to others on a nearly daily basis. She falsely accused him of theft. She invaded his personal

space, jumping up at him and shaking her fist in his face. She attempted to ruin his reputation. She threatened to attend his church to embarrass him in front of the congregation.

As a result of Ms. Perkins' behavior, Mr. Hurt experienced intense, prolonged, and understandable negative reactions that affected him physically and emotionally. He had sleepless nights. He felt embarrassed, belittled, and harassed. He had difficulty concentrating on his job duties. He withdrew and isolated himself from friends and activities. He became fearful about attending church.

Mr. Hurt continues to suffer from the effects of Ms. Perkins' behavior even after nearly two and one-half years since his employment was terminated. Mr. Hurt continues to be fearful when he is in a group of people or attending a community event. He is fearful that Ms. Perkins will show up and harass him. He continues to isolate himself from many public events. Personal, religious, and community relationships continue to suffer as people mistakenly believe that Mr. Hurt's non-attendance at events is a sign of his disinterest.

The second factor to consider is whether the respondent's discriminatory conduct occurred in public. In the present case, Ms. Perkins' discriminatory conduct certainly occurred in public. She engaged in her discriminatory behavior in front of other employees, on social media, and at a large public gathering.

The third factor is consideration of whether the discriminatory acts were egregious and done with the intention and effect of producing the maximum pain, embarrassment, and humiliation. Ms. Perkins publicly made derogatory and offensive sexual comments

about Mr. Hurt. She threatened to embarrass Mr. Hurt at his church. She was physically aggressive and threatening. She publicly embarrassed him on social media, in front of large numbers of people, and in front of his co-workers. She attempted to damage his reputation with friends and colleagues. Clearly, her behavior was egregious and produced the maximum pain, embarrassment, and humiliation.

## **VI CONCLUSIONS OF LAW**

1. As a result of the entry of a default order against the respondent for its failure to answer the complaint, a hearing in damages was held to determine the relief necessary to eliminate the discriminatory practice and to make Mr. Hurt whole.
2. The commission and Mr. Hurt presented sufficient credible evidence for an award for back pay.
3. The commission and Mr. Hurt presented sufficient credible evidence for an award for compensatory emotional distress damages pursuant to General Statutes § 46a-86 (c) as a result of the respondent's violation of Title VII through § 46a-58 and § 46a-60.

## **VII ORDER**

1. The respondent is ordered to pay Ron Hurt \$50,000 in compensatory emotional distress damages. Payment shall be made on or before January 31, 2024.
2. The respondent is ordered to pay Ron Hurt back pay in the amount of \$3,000. Payment is to be made on or before January 31, 2024.

3. The respondent is ordered to pay Ron Hurt prejudgment interest on the back pay award at the rate of 10% per annum from August 1, 2022 to December 31, 2023 in the amount of \$450. Payment is to be made on or before January 31, 2024.
4. The respondent is ordered to pay Ron Hurt post-judgment interest at the compounded rate of 10% per annum on any award of backpay and emotional distress outstanding on and after February 1, 2024.
5. Pursuant to General Statutes § 46a-60 (b) (4), the respondent shall not engage in or allow any employees to engage in any discriminatory conduct against Ron Hurt because he has opposed its discriminatory employment practices, filed this complaint, or testified in this proceeding.
6. Should the respondent ever be contacted by prospective employers seeking references concerning Mr. Hurt, the respondent shall provide only the dates of said employment, the last position held, and rate(s) of pay. In the event additional information is requested, the respondent shall require written authorization from Mr. Hurt before such information is provided, unless required by law to provide such information.
7. The respondent shall cease and desist from all acts of discrimination prohibited under federal and state law.
8. The respondent shall provide a nondiscriminatory work environment pursuant to federal and state law.

*/s/ Jon P. FitzGerald*  
\_\_\_\_\_  
Hon. Jon P. FitzGerald  
Presiding Human Rights Referee