

STATE OF CONNECTICUT  
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES  
OFFICE OF PUBLIC HEARINGS

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Commission on Human Rights and  
Opportunities ex rel. Joseph Carroll,  
Complainant

CHRO No. 1840302

OFFICE OF  
PUBLIC HEARINGS - CHRO  
DATE 3/9/22  
TIME 3:30 PM  
RECEIVED BY [Signature]

v.

Electric Boat Corporation  
Respondent

March 9, 2022

Ruling re: the complainant's motion to consolidate

I

On March 8, 2018, Joseph Carroll, the complainant, filed an affidavit of illegal discrimination with the Commission on Human Rights and Opportunities (commission) against Electric Boat Corporation, the respondent. On March 15, 2018 and again on May 7, 2018, Mr. Carroll amended his affidavit. In his affidavit as amended (2018 complaint), Mr. Carroll alleged that Electric Boat demoted him, harassed him, gave him warnings, placed him on probation, placed him on an improvement plan and retaliated against him because of his age, previous opposition to a discriminatory practice and perceived disability, in violation of General Statutes § 46a-60 (b) (1) and (4) and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 and the Americans with Disabilities Act as enforced through General Statute § 46a-58 (a). More specifically, he identified his co-workers Mark Cika, Judith Ruthko and Christine Troiano as the persons who engaged in the discriminatory conduct.

On July 17, 2020, Mr. Carroll filed a second affidavit of illegal discriminatory practice against Electric Boat. On September 1, 2020 he amended this affidavit. In this affidavit as amended (2020 complaint), Mr. Carroll alleged that Electric Boat discriminated against him in the terms and conditions of his employment because of his age, in violation of General Statutes § 46a-60 (b) (1) and the Age Discrimination in Employment Act of 1967 as enforced through General Statutes § 46a-58 (a). More specifically, he alleged that his manager, Mike Gada, gave him lower pay raises than other were given to younger engineers because of his age.

On February 23, 2022, the commission filed a motion to consolidate the 2018 complaint and the 2020 complaint (motion). On March 8, 2020, Electric Boat filed its opposition to the motion. For the reasons stated herein, the motion denied.

## II

The authority of the presiding human rights referee to rule on motions to consolidate is set forth in Section 46a-54-79a (c) of the Regulations of Connecticut State Agencies which provides that upon the “commencement of the contested case proceeding, the presiding officer may, on his or her own or upon motion by a party, consolidate two or more complaints and issue appropriate orders relating thereto.” “Whether the action[s] arise out of the same transaction or involve identical parties are important factors in determining the propriety of the joinder or consolidation of actions.” (Internal quotation marks omitted.) *DiBella v Town of Greenwich*, judicial district of Stamford-Norwalk, Docket No. CV 09 5012500s (May 22, 2021) (2012 WL 2899242, 1). Factors to consider include the parties to the cases, common legal elements between the

cases, the assignment of trial dates, similarities in the general facts, overlap of witnesses, and duplication of production. Id., 2.

### III

In this case, while the parties are the same and no trial dates have been set, the differences between the cases outweigh their similarities. The factual elements between the cases are not common. For example, the 2018 complaint involves allegations of discriminatory age-based comments, false claims of job performance deficiencies and retaliation while the 2020 complaint involves allegations of employees receiving higher merit raises based on their younger age. The 2018 complaint cites to specific discriminatory conduct occurring from January 2016 to April 2018. The 2020 complaint cites to specific discriminatory conduct occurring in April 2019 and April 2020. The alleged wrong doers in each complaint are different. The two cases do not arise out of the same transaction or the same underlying facts.

In addition, production has been completed for the 2018 complaint while requests for the production of documents in the 2020 complaint are not due to be served until June 3, 2022. Public hearing (trial) dates will be set at the May 13, 2022 prehearing conference for the 2018 complaint. Public hearing dates for the 2020 complaint, however, will not be selected until the December 9, 2022 prehearing conference.

For these reasons, the motion is denied.

It is so ordered this 9<sup>th</sup> day of March 2022.

*/s/ Jon P. Fitzgerald*  
Hon. Jon P. Fitzgerald  
Presiding Human Rights Referee

cc.

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