

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

Commission on Human Rights and
Opportunities ex rel.
Michael Baker

: CHRO No. 0430307
: Fed No. 16aa400535

v.

Lowe's Home Centers, Inc.

: January 23, 2006

Ruling re: respondent's motion to compel

By motion filed January 20, 2006, the respondent moved for an order compelling the commission to produce documents responsive to its production request, specifically documents used by the commission during its investigation to determine that there was reasonable cause to believe that the respondent had committed a discriminatory practice as alleged in the complaint.

The respondent's motion is denied. General Statutes § 46a-84(b) provides in relevant part: "The hearing shall be a de novo hearing on the merits of the complaint and not an appeal of the commission's processing of the complaint prior to its certification." The commission's investigatory processing of the complaint resulted in a finding of reasonable cause. The respondent's motion clearly and repeatedly states its

intention to use the requested documents in an argument that the finding of reasonable cause resulted from the commission conducting an inadequate investigation. Its passing references that the documents may, in an unidentified way, be supportive of its defense at the public hearing seem to be an afterthought. However, the purpose of the public hearing is to address the merits of the complainant's allegation for which reasonable cause was found, that the respondent terminated his employment on the basis of his age, not to address real or perceived deficiencies in the investigation.

The denial of its motion does not preclude the respondent from seeking such documents pursuant to General Statutes § 51-85 or other applicable statute or regulation.

Hon. Jon P. FitzGerald
Presiding Human Rights Referee

C:
Michael Baker
Jesse A. Langer, Esq.
David M. Jaffe, Esq./David C. Casey, Esq.
David L. Kent, Esq.