

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

CHRO ex rel. Frederica Dako-Smith,
Complainant

CHRO Nos. 0020227 &
0220142

v.

State of Connecticut, DMHAS,
Respondent

May 22, 2007

ORDER

Re: Commission Motion for Reconsideration

The commission on April 27, 2007 timely filed a motion for reconsideration of the undersigned's final decision. The thrust of the motion is that the commission was left with the impression that while having discussed a particular document admitted during the public hearing in the final decision (Exhibit 15), the possibility existed that this exhibit was not considered in making my finding that there did not exist a hostile work environment at the complainant's place of employment. This impression appears to be predicated on my comments regarding when the complainant became aware of this document. As to any comments relating to when the complainant became aware of the exhibit, these were made simply to reflect the actual timing of the complainant's awareness of the exhibit. In no way were they meant to convey that it could not be used as evidence to support a finding that a hostile work environment existed, simply because the complainant did not become aware of the document until after the commencement of the public hearing.

In reaching my conclusion dismissing the complainant's claim of a hostile work environment, I most certainly considered Exhibit 15. However in assessing the evidence presented I could not find that the complainant established that her workplace was so permeated with discriminatory intimidation, ridicule and insults sufficiently severe or pervasive so as to alter the conditions of her employment. *Brittell v. Department of Correction*, 247 Conn. 148, 166 (1998); *Terry v. Ashcroft*, 336 F.3d. 128, 148 (2d Cir. 2003)

Having found no error of fact or law that should be corrected and no new evidence having been discovered and brought to my attention which materially affected the merits of this matter or the good cause being presented the commission's motion for reconsideration is hereby DENIED.

It is so ordered this 22nd day of May 2007.

Thomas C. Austin, Jr.
Presiding Human Rights Referee

cc.

Frederica Dako-Smith-via fax only
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Tammy Geathers, Esq.-via fax only