

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**ANN SAMPSON, Complainant**

**v.**

**AMERICAN CAN CO., Respondent**

**Docket No. E-3662 Complainant**

**FINDINGS OF FACT**

1. Ann Sampson, the Complainant herein, is a Negro, 19 years of age, and resident at 380 West Nesquehoning Street, Easton, Pennsylvania.
2. On February 27, 1970, the Complainant was employed as a sorter-packer at the hourly rate of \$2.41, by the American Can Co., the Respondent herein, at its Forks Township Plant, Easton, Pennsylvania.
3. Complainant was on Probationary status during her period of employment by Respondent.
4. During her employment by Respondent, Complainant was unable to perform her work competently in that she did not keep up with production, was erratic in her counting work, was slow in reacting to prevent jams on the machine to which she was assigned and failed properly to clean up.
5. Because of her poor work performance as aforesaid, Complainant's, employment with Respondent was terminated on March 25, 1970.

**CONCLUSIONS OF LAW**

1. At all times herein mentioned Complainant, Ann Sampson, was a citizen and resident of the Commonwealth of Pennsylvania.
2. At all times herein mentioned, the Respondent, American Can Co., was a corporation doing business in the Commonwealth of Pennsylvania.
3. At all times herein mentioned Pennsylvania Human Relations Commission had and still has jurisdiction over the Complainant, Respondent and subject matter of these proceedings.
4. Complaint herein was properly made, signed and filed in accordance with Section 9 of the Pennsylvania Human Relations Act.
5. Section 5 of the Pennsylvania Human Relations Act of October 27, 1955, P. L. 744, as amended, provides:

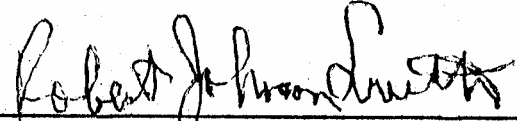
“It shall be an unlawful discriminatory practice...

(a) For any employer because of the race, color...to discharge from employment such individual...if the individual is best able and most competent to perform the service required...”

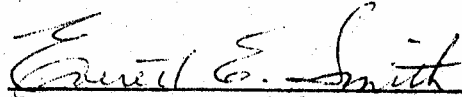
6. The Complainant, Ann Sampson, did not competently perform the work for which she was employed; consequently, was not the best able and most competent to perform, as required by

the Act, and therefore her termination of employment was not an unlawful discriminatory practice in violation of the Pennsylvania Human Relations Act.

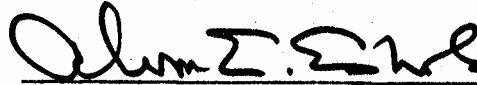
It is therefore recommended that the Commission enter an Order herein dismissing the Complaint of Ann Sampson against the Respondent, American Can Co.



Dr. Robert John Smith,  
Presiding Hearing Commissioner



Everett E. Smith,  
Hearing Commissioner



Alvin E. Echols, Esq.  
Hearing Commissioner

#### COMMISSION'S DECISION

**AND NOW**, this 23rd day of November, 1970, upon recommendation of the Hearing Commissioners, and upon all of the evidence taken at the public hearing of the case and in consideration of the Findings of Fact and Conclusions of Law herein, the Pennsylvania Human Relations Commission finds and determines:

1. The Commission has jurisdiction over the Complainant and Respondent.
2. The Commission has jurisdiction over the subject matter of the Complaint.
3. The Respondent has not committed an unlawful discriminatory practice in violation of the Pennsylvania Human Relations Act.

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

**ANN SAMPSON, Complainant**

**v.**

**AMERICAN CAN CO., Respondent**

**Docket No. E-3662 Complainant**

**FINAL ORDER**

**AND NOW**, this 22nd day of February, 1971, upon consideration of the foregoing Findings of Fact, Conclusions of Law and Commission's Decision, and pursuant to Section 9 of the Pennsylvania Human Relations Act, it is hereby

**ORDERED**

by the Pennsylvania Human Relations Commission that the Complaint herein filed by Ann Sampson, Complainant, against American Can. Co., the Respondent, be and the same is hereby dismissed.

Pennsylvania Human Relations Commission

By: Everett E. Smith  
Everett E. Smith, Chairman

Attest:

By: Robert Johnson Smith  
, Secretary