

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JEAN DOVIN,  
Complainant

v.

TWIN VALLEY SCHOOL DISTRICT,  
JOHN K. BAILLIE, SUPERINTENDENT,  
HONEY BROOK ELEMENTARY SCHOOL,  
TERRENCE SEIDEL, PRINCIPAL,  
Respondents

DOCKET NO. E-18892-A

STIPULATIONS OF FACT

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF HEARING COMMISSIONER

FINAL ORDER

— COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JEAN DOVIN,	:	
	:	
Complainant	:	
	:	
v.	:	Docket No. E-18892
	:	
TWIN VALLEY SCHOOL DISTRICT	:	
JOHN K. BAILLIE, SUPERINTENDENT	:	
HONEY BROOK ELEMENTARY SCHOOL	:	
TERRENCE SEIDEL, PRINCIPAL	:	
	:	
Respondent	:	

JOINT STIPULATIONS OF FACT

The following facts are admitted by all parties to the above captioned case and no further proof thereof shall be required:

1. Complainant Jean Dovin was hired by the Respondent, Twin Valley School District in 1960.
2. From 1960 to 1979 the Complainant taught first grade at Honey Brook Elementary School.
3. As of the school year 1978-79 Twin Valley School District had three elementary schools, Honey Brook, Robeson and Twin Valley.
4. For the school year 1978-1979 the first grade teachers at Honey Brook Elementary School were:

Name	Birthdate	Age
Jean Dovin	4-26-29	49
Betty Moulder	10-11-23	54
Clare Sheaffer	3-23-49	29
Beverly Ebright	8-7-50	28

5. For the school year 1979-80 Carol Shugar, first grade teacher at Twin Valley Elementary School took maternity leave.
6. By letter dated March 6, 1979, Clare Sheaffer requested a transfer from first grade teacher at Honey Brook Elementary School to first grade teacher at Twin Valley Elementary School as replacement for Carol Shugar for the 1979-80 school year, which request was denied.
7. Upon return from maternity leave Carol Shugar was assigned to first grade at Robeson Elementary School for the school year 1980-81.
8. For the school year 1979-1980 the Complainant was involuntarily removed from her position as first grade teacher.
9. For the school year 1979-1980 the Complainant was given the option of teaching second grade or one-half day of kindergarten.
10. On May 16, 1979, the Complainant submitted a written request for a kindergarten position at Honey Brook Elementary School.
11. For the school year 1979-1980 the first grade teachers at Honey Brook Elementary School were:  

Betty Moulder  
Clare Sheaffer  
Beverly Ebright
12. For the school years 1979-80, 1980-81, 1981-82 and 1982-83 Laura D'Amico was pre-first grade teacher at Honey Brook Elementary School.

13. Laura D'Amico's birth date is September 22, 1930.

14. For the school years 1979-80, 1980-81, 1981-82 and 1982-83 Joan Hoffman (D.O.B. August 23, 1939) taught full-day kindergarten at Honey Brook Elementary School.

15. For the school year 1979-1980, 1980-81, 1981-82, 1982-83, the Complainant taught kindergarten for one-half day at Honey Brook Elementary School.

16. On July 31, 1980, Complainant submitted a written request for full day kindergarten or her original first grade position at Honey Brook Elementary School for the 1980-1981 school year.

17. For the 1980-1981 school year the first grade teachers at Honey Brook Elementary were:

Betty Moulder

Clare Sheaffer

Beverly Ebright

18. On May 9, 1981, the Complainant submitted a written request for Betty Moulder's first grade position, or a full day of kindergarten.

19. Betty Moulder, first grade teacher at Honey Brook Elementary School retired in June 1981.

20. For the school year 1981-82, Jane Kurtz, (age 50) replaced Betty Moulder as first grade teacher at Honey Brook Elementary School.

21. For the 1981-1982 school year the first grade teachers at Honey Brook Elementary School were:

Jane Kurtz

Clare Scheaffer

Beverly Ebright

22. In the fall of 1981, Allyson Snyder, full time kindergarten teacher at Twin Valley Elementary School commenced sabbatical leave because of health problems.

23. On October 20, 1981, Ellen Birsch began employment as a long term substitute in a full time kindergarten position at Twin Valley Elementary School for the school year 1981-1982.

24. Before March 26, 1982 the Complainant submitted a written request to Principal David Ted Woods for a full time position at Honey Brook Elementary School for the school year 1982-1983, and requested notification of kindergarten positions at Twin Valley Elementary School and first grade positions at Honey Brook or Twin Valley Elementary Schools.

25. Jane Kurtz, first grade teacher at Honey Brook Elementary School was granted sabbatical leave for the school year 1982-1983.

26. For the school year 1982-83 Mary Susan Paris (approximately age 36) was hired as a long term substitute to replace Jane Kurtz.

27. Before August 13, 1982, the Complainant requested from the Respondent's Superintendent a full time teaching position.

28. For the 1982-1983 school year first grade teachers at Honey Brook were:

Mary Susan Paris

Clare Sheaffer

Beverly Ebright

33. For the 1979-1980 school year the Complainant was employed at half time status at a salary of \$10,859.00.

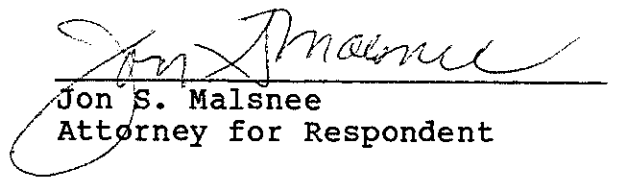
34. For the 1980-1981 school year the Complainant was employed at half time status at a salary of \$11,836.00.

35. For the 1981-1982 school year the Complainant was employed at half time status at a salary of \$13,020.00.

36. For the 1982-1983 school year the Complainant was employed at half time status at a salary of \$13,931.00.



Charlene E. Couch  
Attorney for Commission in  
Support of Complaint



Jon S. Malsnee  
Attorney for Respondent



7. On or about September 23, 1980, Harrisburg Regional Office Commission staff served a copy of the complaint on Respondent in a manner which satisfies the requisites of 1 Pa. Code §33.32.

8. Respondent subsequently filed an answer to the complaint.

9. On or about May 26, 1983, Complainant signed a written verified complaint with the Commission, amending the complaint previously docketed at E-18892.

10. On or about June 1, 1983, Harrisburg Regional Office Commission staff served a copy of the amended complaint in a manner which satisfied the requisites of 1 Pa. Code §33.32.

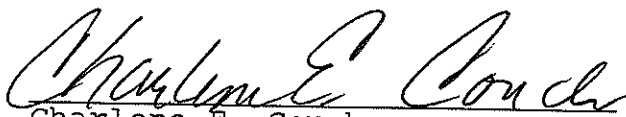
11. Respondent subsequently filed an answer to the amended complaint.

12. On or about December 9, 1983, Harrisburg Regional Office Commission staff notified the parties that after investigation Harrisburg Regional Office Commission staff found probable cause to credit some of the allegations of Complainant's amended complaint.


13. To date, conciliation efforts have failed.

14. The Commission approved this matter for public hearing and so notified the parties.

15. All prerequisites for a public hearing have been satisfied.



Charlene E. Couch  
Attorney for Commission in  
Support of Complaint

  
Jon S. Malshee  
Attorney for Respondents



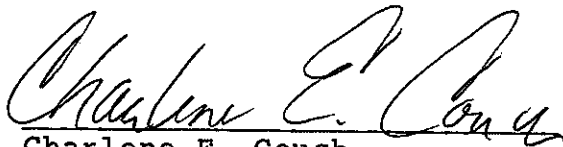
COMMONWEALTH OF PENNSYLVANIA  
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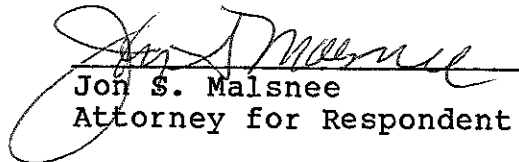
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TERRENCE SEIDEL, PRINCIPAL	:	
	:	
Respondent	:	

STIPULATIONS

Employer Contributions To Employee Retirement Account

<u>Year</u>	<u>Percentage of Employees Salary</u>
1979-1980	6.65
1980-1981	7.50
1981-1982	7.50
1982-1983	8.00

  
 Charlene E. Couch  
 Attorney for Commission in  
 Support of Complaint

  
 Jon S. Malsnee  
 Attorney for Respondent

FINDINGS OF FACT \*

1. Jean Dovin (hereinafter "Complainant") resides at RD #2, Box 153, Honey Brook, Pennsylvania. (NT 24.)
2. The Respondent, by stipulation, is the Twin Valley School District.
3. The Complainant graduated from West Chester State Teachers College (now known as West Chester University) in 1951, with a Bachelor of Science in Elementary Education. (NT 24.)
4. The Complainant also completed post-graduate work at West Chester University and Millersville University. (NT 24.)
5. The Complainant has attained certification as an elementary education teacher, reading specialist, and as an elementary school principal. (NT 24.)
6. The Complainant taught at the Kennett Square Consolidated School from 1951 to 1956. (NT 24.)
7. The Complainant has been teaching at the Twin Valley School District since 1960. (NT 29.)
8. During Complainant's tenure with the Respondent, she received only satisfactory evaluations. (NT 96.)

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\* The foregoing "Stipulations of Fact" are incorporated herein as if fully set forth. To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Fact. The following abbreviations will be utilized throughout these Findings of Fact for reference purposes:

NT Notes of Testimony  
SF Stipulations of Fact

9. The Respondent has three elementary schools within its jurisdiction: Honey Brook Elementary Center (hereinafter "Honey Brook"), Twin Valley Elementary Center (hereinafter "Twin Valley"), and Robeson Elementary Center (hereinafter "Robeson"). (NT 162.)
10. A fourth elementary school, Caernarvon Elementary Center, closed after the 1977-78 school year. (NT 163.)
11. The Complainant was employed at Honey Brook as a first grade teacher from 1960 through the 1977-78 school year. (NT 35.)
12. The Respondent uses a standard of fairness to determine which teachers are to be transferred out of their existing positions. (NT 286.)
13. The Respondent's Superintendent, Dr. John Baillie, stated that he delegated transfer authority to the principals, only requiring that the best teachers be placed in the best positions. (NT 253-254.)
14. Department of Education Basic Education (hereinafter "DEBE") evaluations are one of the factors used in determining transfers. (NT 184.)
15. In the Respondent's school district, seniority is only relevant for furlough purposes. (NT 177.)
16. Assignments of teachers are continuous unless a teacher is transferred or demoted. (NT 194.)
17. During the 1978-79 school year, four first grade positions existed at Honey Brook. (NT 163.)
18. These teaching positions were held by the Complainant, as well as Betty Moulder (hereinafter "Moulder"), Clare Sheaffer (hereinafter "Sheaffer"), and Beverly Ebright (hereinafter "Ebright"). (NT 163.)

19. Pupil enrollment for the 1978-79 school year at Honey Brook was anticipated to decline in the first grade and increase in the second grade, due to a population bubble moving through the school. (NT 165.)
20. This population bubble necessitated a reduction in teaching staff from four to three teachers for the first grade and an increase in second grade teachers from three to four. (NT 165.)
21. The principal of Honey Brook, Mr. Terry Seidel (hereinafter "Seidel"), told the Complainant that she had been chosen to be transferred to a second grade position opening up for the 1979-80 school year. (NT 36.)
22. The Complainant was chosen to be transferred because she had not been moved previously. (NT 260-263.)
23. The Complainant declined the full-time second grade position, and opted instead for a part-time kindergarten position. (NT 36.)
24. The Respondent asked the Complainant to formally forward a letter of application for the half-time kindergarten position because the move was considered somewhat unusual. (NT 166-167.)
25. By opting for the half-time kindergarten position for the 1978-79 school year, the Complainant lost full-time status, thereby subrogating her to full-time employees when bidding for full-time positions. (NT 282.)
26. The Complainant wrote to Principal Seidel asking to be transferred back to a full-time position for the 1980-81 school year. (NT 37.)
27. The Complainant wrote a letter to Superintendent Baillie, dated July 31, 1980, requesting her original first-grade position back, or in the alternative, a full-time kindergarten position. (NT 53.)
28. After discovering that she was still assigned to the half-time kindergarten position for the following school year, the Complainant filed

her original complaint with the Pennsylvania Human Relations Commission (hereinafter "PHRC") on September 8, 1980. (NT 25.)

29. The Complainant, after learning of the retirement of Moulder, requested a full-time first grade position at Honey Brook on May 9, 1981. (NT 61-62.)
30. The Complainant was not interviewed for Moulder's position. (NT 78.)
31. Jane Kurtz (hereinafter "Kurtz") was assigned to the first grade at Honey Brook upon the retirement of Moulder. (NT 173-174.)
32. Kurtz, as a full-time reading specialist, had first priority on any full-time, professional position in the district for which she was certified. (NT 175.)
33. The Complainant, by virtue of her earlier decision, was a half-time professional employee who had priority on any half-time position for which she was properly certified. (NT 175.)
34. Kurtz, at this time, was over the age of forty. (NT 175.)
35. In the fall of 1981, Allyson Snyder (hereinafter "Snyder") went on sabbatical leave from her position as a full-time kindergarten teacher at Twin Valley. (NT 75.)
36. Snyder requested a medical sabbatical leave because of pregnancy which was granted by the Respondent. (NT 176.)
37. Snyder, as a professional employee on sabbatical leave, had the right to return to her position after the delivery of her baby. (NT 176.)

CONCLUSIONS OF LAW

1. The Complainant is an individual within the meaning of the Pennsylvania Human Relations Act (hereinafter "PHRA").
2. The Respondent is an employer within the meaning of the PHRA.
3. The Pennsylvania Human Relations Commission has jurisdiction over the parties and the subject matter of the case.
4. All of the procedural prerequisites for a public hearing have been met.
5. The Complainant established a prima facie case of age discrimination by showing:
  - A) she is a member of a protected class;
  - B) she was performing duties for which she was qualified;
  - C) the Complainant's position was chosen for elimination; and
  - D) others not in the protected class were given first grade positions.
6. The Respondent has met its burden of producing evidence of a legitimate, nondiscriminatory reason for its action.
7. The Complainant has not succeeded in her ultimate burden of persuasion of showing she was a victim of unlawful discrimination.
8. The Complainant has not shown that the proffered explanations of the Respondent are pretextual or unworthy of credence.

## OPINION

This case arises on a complaint filed on or about September 8, 1980, by Jean Dovin (hereinafter "Complainant") against Twin Valley School District (hereinafter "Respondent") with the Pennsylvania Human Relations Commission (hereinafter "PHRC"). The complaint alleges that the Respondent reduced Complainant's salary for the year 1979-80, changed her job assignment, and reduced her working hours due to her age, fifty-one. The complaint alleges violations of Section 5(a) of the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, as amended, 43 P.S. §§951 et seq. (hereinafter "PHRA").

PHRC staff investigated the allegations, and at the investigation's conclusion informed Respondent that probable cause existed to credit the Complainant's allegations. Thereafter, PHRC attempted to eliminate the alleged unlawful practice through conference, conciliation and persuasion, but such efforts proved unsuccessful. Subsequently, the PHRC notified Respondent that it had approved a public hearing on this matter.

The public hearing was held on January 16 and 17, 1992, before Hearing Commissioner Gregory J. Celia, Jr. Originally, Commissioners Raquel Otero de Yiengst and Russell S. Howell were appointed to the hearing panel in this matter. However, the parties agreed to have Commissioner Celia hear the matter. To that end, the parties executed a waiver, pursuant to 16 Pa. Code §42.102(A), authorizing Commissioner Celia to hear the matter by himself. Phillip A. Ayers, Esquire, served as panel advisor to Commissioner Celia in this matter. The case on behalf of the complaint was presented by PHRC staff attorney Charlene E. Couch. Jon S. Malsnee, Esquire, appeared on

behalf of the Respondent. Commission counsel filed her brief on March 23, 1992, and Respondent filed his brief on March 20, 1992. Also, the caption in this matter includes John K. Baillie, Superintendent, Honey Brook Elementary School, and Terrence Seidel, Principal. However, the parties agreed that the Respondent in this matter is the Twin Valley School District, only.

Regarding the Complainant's allegations, we recognize the nature of her claims present allegations of disparate treatment based on age. The analytical mode of evidence assessment in a matter such as the instant case is clearly set forth in a number of recent cases. In Allegheny Housing Rehabilitation Corp. v. PHRC, 516 Pa. 124, 532 A.2d 315 (1987), the Pennsylvania Supreme Court clarified the order and allocation of burdens first defined in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). The Pennsylvania Supreme Court's guidance indicates that the Complainant must first establish a prima facie case of discrimination. If the Complainant establishes a prima facie case, the burden of production then shifts to the Respondent to "simply. . . produce evidence of a legitimate, nondiscriminatory reason. . . for [its action]." If the Respondent meets this production burden, in order to prevail, a Complainant must demonstrate by a preponderance of the evidence that the Complainant was the victim of intentional discrimination. A complainant may succeed in this ultimate burden of persuasion either by direct persuasion that a discriminatory reason more likely motivated a respondent, or indirectly by showing that a respondent's proffered explanation is unworthy of credence. Texas Department of Community Affairs v. Burdine, 450 U.S. 248, 256 (1981).



Following its instruction on the effect of a prima facie showing and a successful rebuttal thereof, the Pennsylvania Supreme Court then articulated principles which are useful in the ultimate resolution of some aspects of this matter. The Court stated that:

As in any other civil litigation, the issue is joined, and the entire body of evidence produced by each side stands before the tribunal to be evaluated according to the preponderance standard: Has the plaintiff proven discrimination by a preponderance of the evidence? Stated otherwise, once the defendant offers evidence from which the trier of fact could rationally conclude that the decision was not discriminatorily motivated, the trier of fact must then "decide which party's explanation of the employer's motivation it believes."

Aikens, 460 U.S. at 716, 103 S.Ct. at 1482. The plaintiff is, of course, free to present evidence and argument that the explanation offered by the employer is not worthy of belief or is otherwise inadequate in order to persuade the tribunal that the evidence does preponderate to prove discrimination. She is not, however, entitled to be aided by a presumption of discrimination against which the employer's proof must "measure up." Allegheny Housing, supra at 319.

In this court-designed burden allocation, the Complainant must, of course, first establish a prima facie case. Since McDonnell Douglas was a race-based refusal to hire, the literal phrasing of the prima facie case articulated in McDonnell Douglas does not precisely fit the instant matter. Accordingly, the normal proof pattern must be adapted to fit the factual variance presented by the instant case.

Before applying the prima facie model to the instant case, it is necessary to deal with several jurisdictional issues raised by the Respondent at public hearing and in its post-hearing brief. The Respondent argues that the Commission lacks jurisdiction because the complaint was not

timely filed, and the complaint lacks the requisite specificity and particularity required by the PHRA. We shall first deal with the timeliness argument.

At the time the Complainant filed her initial complaint, the PHRA required that a complaint be filed within ninety days of the alleged discriminatory action. This argument by the Respondent can be resolved under the theory of continuing violation. Under said theory, when a discriminatory act occurs over a period of time, the running of the filing period is from the last occurrence of the discriminatory act, not from the first one. Bronze Shields, Inc. v. New Jersey Department of Civil Service, 667 F.2d 1074 (CA 3, 1981). Clearly, the change in job assignment, reduction in work hours, and the reduction to and continuation of one-half salary are continuing violations. Thusly, the initial complaint and the amended complaint are timely.

In regard to the Respondent's second argument that the complaint lacks the requisite specificity or particularity, as required by the PHRA, said argument is without merit. A review of the complaint certainly reveals numerous specific factual allegations that clearly inform the Respondent of the specific conduct complained of. Murphy v. PHRC, 77 Pa. Commw. 29, 465 A.2d 740 (1983), affd. in Murphy v. PHRC, 506 Pa. 549, 486 A.2d 388 (1985).

Now we move the analysis of the prima facie showing to the instant case. The prima facie showing should not be an onerous burden. In the instant case, a prima facie case of age discrimination can be established by showing that:

- 1) the Complainant belonged to a protected class;

- 2) the Complainant was performing duties for which she was qualified;
- 3) the Complainant's position was chosen for elimination; and
- 4) others not in the protected class were given first grade positions.

Clearly, the Complainant was, at all times relevant to the complaint, forty years of age or older. The Complainant was also well qualified for the position in that she was certified as an elementary teacher, reading specialist, and elementary principal. The Complainant had been a first grade teacher in the same classroom from 1960 to 1979. During that time period, the Complainant received satisfactory DEBE ("Department of Education Basic Education") evaluations.

Looking at the last two elements of the prima facie showing, it is clear that the Complainant's position was chosen for elimination, and that there was a continuing need for her services since three first grade classes remained at the Honey Brook Elementary School during the school year 1979-80, and others not in the protected class were retained as first grade teachers.

Given the above facts and the point that the burden of establishing a prima facie case should not be onerous, the Complainant has set forth a prima facie case of discrimination. As aforementioned, in the analytical model of reviewing discrimination cases, the Respondent must "simply produce evidence of a legitimate, nondiscriminatory reason for [its action]." The Respondent asserts that the reason that the Complainant's position was chosen for elimination was that the Complainant was the teacher who had gone the longest period of time without a transfer or change of assignment. The

need for the elimination of a first grade position and the creation of a second grade position came about because the Honey Brook Elementary School was experiencing a population "bubble." The Respondent also stated that seniority was not a factor insofar as assignments or transfers were concerned, however, seniority was extremely important in terms of furloughs.

With the above assertions, the Respondent has met its burden of production by simply producing evidence of legitimate, nondiscriminatory reasons for its actions. Once the Respondent has met its burden, the Complainant may prevail by showing that the proffered explanations are pretextual, or unworthy of credence. The Complainant still has the ultimate burden of demonstrating by a preponderance of the evidence that she is the victim of intentional discrimination.

This case revolves around two specific factors. Firstly, there was the decision to eliminate the first grade position at Honey Brook Elementary School, thereby transferring the Complainant; and secondly, the Complainant asserts that the Respondent failed to give her a full-time position in 1980-81, 1981-82, and 1982-83.

The evidence presented at public hearing reveals that a reduction from four to three first grade positions and a corresponding increase from three to four second grade positions would be necessary in the 1979-80 school year. This change resulted from the retirement of a teacher and a change in student population. The Respondent's employee, Terrence Seidel, principal at Honey Brook Elementary School, asserts that the decision to move the Complainant was made because the Complainant had not been moved previously (NT 260-261). Also, Mr. Seidel's intention was to move the Complainant from the full-time first grade elementary position to the

full-time second grade position. The Complainant resisted the change and ultimately requested a half-time kindergarten position. There is nothing in the record indicating that the Complainant was coerced into this request. On the contrary, Mr. Seidel did not consider the half-time position a viable alternative because it did involve a reduction in work from full-time to half-time (NT 265). Also, the Complainant admits in the record that she had been offered the full-time second grade position. Therefore, a review of the evidence before the Commission shows that the Complainant voluntarily took the half-time kindergarten position.

There is some testimony in the record that the Complainant may have expected the half-time position in 1979-80 would become full-time in 1980-81. This belief was in relation to a conversation with Dr. Baillie where the Complainant alleged that she was promised that the half-time position would be full-time the next year. The testimony in regard to the alleged conversation with Dr. Baillie at the Reading Country Club is extremely vague, unclear, and, ultimately, unworthy of credence. Also, both the Complainant and Mr. Seidel (the man who made the decision) agree that the Complainant was never promised a full-time position by Mr. Seidel.

Also, most importantly, the Complainant never mentioned this alleged conversation between herself and Dr. Baillie in her original complaint or her amended complaint. Furthermore, the Complainant acknowledged the non-existence of this allegation in her complaint in her testimony at the public hearing (NT 116-117). Finally, the Complainant made her request for the kindergarten position on May 16, 1979, and the alleged conversation with Dr. Baillie took place on May 17, 1979. It is extremely unlikely that the Complainant made her decision to request the half-time

kindergarten position based on a promise resulting from a conversation that had not yet occurred.

Next, we move to the Complainant's argument that she was discriminated against because other persons were assigned to full-time kindergarten or first grade positions in 1980-81, 1981-82, and 1982-83. (In the school year 1983-84, the Complainant was reassigned to a full-time position.) The Complainant, at one point, attempted to argue that she was reassigned at the beginning of each school year. However, a review of Complainant's and Dr. Baillie's testimony indicates that there were no annual reassignments; rather, once assigned to a position, the assignment remained the same until changed. (NT 194, 130-131.)

When the Complainant elected to take a half-time kindergarten position rather than a full-time second grade position, in essence she took a voluntary demotion. In becoming a half-time employee, her rights and entitlements became secondary to the rights of a full-time employee. Thereafter, whenever the Complainant wanted to be reassigned to a full-time position, the Respondent could not grant the request prior to 1983-84 because there were no permanent, full-time positions available, only vacancies filled by substitutes. There was also an instance where a full-time employee's position was eliminated, but a full-time employee had entitlement to that position.

There is nothing in the record before the Commission that indicates the Complainant was discriminated against on the basis of her age; the Complainant's situation was caused by her refusal to accept a transfer, thereby accepting a half-time position which clearly reduced her rights below those of a full-time employee. If the Complainant had accepted the

transfer to the full-time second grade position, she would have been guaranteed a full-time position for any number of years. However, she chose not to do so.

Having found that the Complainant has not proven that she is a victim of intentional discrimination, and having found that the Complainant has not shown that the proffered explanations of Respondent are pretextual or unworthy of credence, an appropriate Order follows.


COMMONWEALTH OF PENNSYLVANIA  
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TERRENCE SEIDEL, PRINCIPAL, :  
Respondents :

RECOMMENDATION OF THE HEARING COMMISSIONER

Upon consideration of the entire record in the above-captioned case, it is the Recommendation of the Hearing Commissioner that the Complainant has failed to prove discrimination in violation of the Pennsylvania Human Relations Act. It is, therefore, the Hearing Commissioner's recommendation that the attached Stipulations of Fact, Findings of Fact, Conclusions of Law, Opinion, and Final Order be approved and adopted by the full Pennsylvania Human Relations Commission. If so approved and adopted, this Hearing Commissioner recommends issuance of the attached Final Order.

By:

  
\_\_\_\_\_  
Gregory J. Zelia, Jr.  
Hearing Commissioner



COMMONWEALTH OF PENNSYLVANIA  
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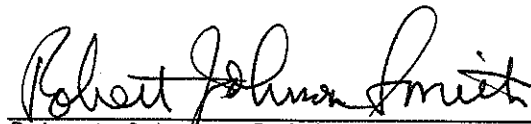
FINAL ORDER

AND NOW, this 29th day of September, 1993, after a review of the entire record in this case, the Pennsylvania Human Relations Commission, pursuant to Section 9 of the Pennsylvania Human Relations Act, hereby approves and adopts the foregoing Stipulations of Fact, Findings of Fact, Conclusions of Law, Opinion, and Final Order recommended by the Hearing Commissioner and hereby

O R D E R S


that the instant complaint docketed at E-18892-A be dismissed.

By:



Robert Johnson Smith  
Chairperson

ATTEST:



Gregory J. Cella, Jr.  
Secretary