

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JANICE KUSAJ,
Complainant

v.

ASSOCIATED SPRING/BARNES
GROUP, INC.
Respondent

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Docket No. E-46020-D

JOINT STIPULATIONS OF FACT

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

3. Respondent is doing business in Pennsylvania and employs more than four (4) employees.

4. Complainant is an adult female residing in Pennsylvania.

5. All of the procedural requirements have been met for the public hearing.

6. Complainant graduated from Corry High School in the commercial secretarial program. Complainant has not taken any undergraduate college courses that lead to an associate's or bachelor's degree.

7. After graduating from high school, Complainant went to work for the Corry Jamestown Corporation in 1961 in a clerical position. In 1963 she was promoted to a stenographer in the steno pool. She was subsequently promoted to head stenographer in 1965 and supervised two or three other stenographers while continuing to perform stenographic duties. From 1967 to 1972 she worked as the private secretary to the President and Chairman of the Board of Corry Jamestown. Complainant was out of work for five (5) years while she remained at home taking care of her children.

8. Complainant was hired by Respondent on May 2, 1977 as a clerk in the Production Control Department.

9. Complainant was promoted in March of 1979 to a Production Scheduler/Expediter position in the Production Control Department. She was responsible for scheduling and expediting work performed for Raymond Merchandise, one of the Respondent's customers.

10. In 1982, the scheduling and expediting duties for the Special Order Department (#1300) and Grinding Room Department (#1900) were added to Complainant's position.

11. In 1987, comparable duties in the Nuclear Department (#1800) and Ford Torsion Parts Department were added to Complainant's job. By 1987, Complainant had primary expediting responsibility for four (4) departments (#1300, #1800, #1900, and #2400).

12. Timothy Harger graduated from Titusville High School in the college preparatory program. In 1983 he enrolled in the undergraduate degree program at the University of Pittsburgh at Titusville.

13. Upon graduating from high school in 1974, Mr. Harger served in the United States Marine Corps for four (4) years. He served as an air traffic controller and attained the rank of sergeant after serving in the Corps for two years. He was a facility supervisor and supervised crews of six (6) to seven (7) people at a time including the tower, radar and ground controllers and was in charge of the airfield. He was also the senior sergeant in his unit with duty, disciplinary and performance evaluation responsibilities for eighteen (18) to twenty (20) men.

14. Upon discharge from the Marines in 1978, Mr. Harger went to work for the General Electric Company in Erie as an hourly worker on the production line.

15. Mr. Harger was hired by the Federal Aviation Administration as an air traffic controller in West Virginia in November, 1979 and worked there until August, 1981 when the PATCO union went on strike.

16. Mr. Harger returned to Titusville and worked as a truck driver. In June, 1983 he enrolled at the University of Pittsburgh at Titusville. In February, 1984 he went to work for

Witco Chemical Corporation as a field man in petroleum production and continued to attend college on a part-time basis.

17. Mr. Harger was laid-off from Witco in April, 1986.

18. Mr. Harger was hired by the Respondent as an hourly factory worker in May, 1986. He worked as a set-up person in the flat spring department for four weeks. He was promoted to the position of Time Study Rate Setter in the Incentive Department on June 23, 1986. As a rate setter, Mr. Harger was responsible for setting incentive standards in the Special Order (#1300), Grinding (#1900) and Heat Treat (#1400) Departments.

19. On March 15, 1987 he was promoted to Industrial Engineer II in the Incentive Department. He was responsible for incentive standards in the Special Order (#1300), Grinding (#1900), Tooling (#2000) and Finishing (#2100) Departments.

20. Mr. Harger was promoted to Product Engineer II on March 1, 1988. The responsibilities of a product engineer include working with customers to design springs that meet their requirements as well as estimate the cost of producing the product.

21. In April of 1988, Mr. Daniel McEldowney, Personnel/Industrial Relations Manager, interviewed Complainant individually, as well as other female employees with promotion potential, to discuss her career path and whether or not she was interested in advancing within the Company.

22. Complainant stated that she was interested in promotion and felt that she could be a factory foreman, particularly in Departments 1900 (Grinding) or 2400 (Torsion Springs).

23. In early 1988, Mr. John Adams, the Grinding Room Foreman, made known his intention to retire at the end of January, 1989. At some time subsequent to this, Complainant approached Mr. McEldowney and expressed her interest in assuming the position of Foreman in the Grinding Room.

24. Although Complainant was considered as a possible candidate to replace Mr. Adams, she was never interviewed for the position.

25. Mr. Timothy Harger was selected for the Assistant Foreman position in the Grinding Department on the second shift effective August 1, 1988.

26. The position of Assistant Foreman is directly responsible for the supervision and results of a shift or a specialized area within a department.

27. The Assistant Foreman works under general supervision, coordinates the work of a section or department with other departments and operations.

28. The Assistant Foreman may direct employees on a shift with generally similar levels of skill operating different types of equipment and producing a variety of products or the Assistant Foreman may direct a group of employees engaged in skilled work requiring the use of specialized machinery.

29. The Assistant Foreman position requires considerable experience and a detailed knowledge of all departmental or sectional operations, equipment and metal fabrication.

30. Mr. Harger was placed in the second shift Assistant Foreman position to provide him with additional experience and to test him to see if he would be able to fill the Foreman position when Mr. Adams retired.

31. On November 28, 1988, Mr. McEldowney asked Complainant if she would like to be considered for promotion to the position of second shift Assistant Foreman in the Grinding Department (#1900). On December 2, 1988, Complainant rejected the opportunity to be considered for the position of second shift Assistant Foreman.

32. On February 1, 1989, Mr. Harger was promoted to the position of Foreman of the Grinding Department (#1900).

33. On March 1, 1989, Complainant was promoted to the position of Industrial Engineer III and is responsible for rate setting in the Time Study Department.

34. The position of Industrial Engineer III is not a supervisory position.

35. The parties stipulate that, if the Hearing Examiner finds that the Complainant was discriminated against on the basis of her sex, the Complainant's damages are limited to the difference in pay between Complainant's wages and Mr. Harger's wages from August 1, 1988 when Mr. Harger was promoted to Assistant Foreman and December 2, 1988, when the Complainant

informed the Respondent that she did not wish to be considered for the position of Assistant Foreman.

36. From August 1, 1988 through December 1, 1988, Mr. Harger's monthly salary was \$2,206.00

37. From August 1, 1988 through December 1, 1988, Complainant's monthly salary was \$1,959.99.

38. The difference between Complainant's salary and Mr. Harger's salary is \$246.01 per month from August 1, 1988 through December 1, 1988.

Respectfully submitted this 2nd day of October, 1991.

Janice Kusaj
JANICE KUSAJ

By *Diane Blancett-Maddock*
Diane Blancett-Maddock
Attorney for Complainant

ASSOCIATED SPRING/BARNES GROUP INC.

By *Mary Louise Beardsley*
Mary Louise Beardsley
Attorney for Respondent

FINDINGS OF FACT*

1. The Complainant is Janice Kusaj, (hereinafter, "Kusaj"). (N.T. 6)
2. The Respondent is Associated Spring/Barnes Group, Inc., (hereinafter "Associated Spring"), which is one of 12 nationally located divisions of Barnes Group, Inc., whose corporate headquarters is in Connecticut. (N.T. 90)
3. Associated Spring manufactures and markets spring metal standings and wire forms for use in industries such as the automotive, appliance, and nuclear industries. (N.T. 7, 8)
4. Testimony generally shows that Associated Spring consists of a wide range of departments as the manufacturing processes varied as did the nature of the products which were manufactured. (N.T. 8, 9, 10, 12; S.F. 10, 11, 18, 19, 22)
5. During Kusaj's employment with Associated Spring, Kusaj held various jobs. (N.T. 7; S.F. 8,9)
6. Since March 1979 Kusaj had held the position of production scheduler/expeditor where she facilitated the scheduling of completion dates on orders and then insured orders were timely completed. (N.T. 9)
7. As a production scheduler/expeditor, Kusaj interacted with both foremen and workers from various departments as well as directly with customers. (N.T. 10).
8. One department for which Kusaj was generally responsible regarding scheduling and expediting orders was the grinding room. (N.T. 12)
9. In early 1988, Mr. John Adams, (hereinafter "Adams") the Grinding Room Foreman, revealed his intention to retire at the end of January, 1989. (N.T. 18, 37, 73; S.F. 23)

10. Subsequent to learning of Adams' pending retirement, Kusaj approached Daniel McEldowney, (hereinafter "McEldowney") Associated Spring's then Personnel/Industrial Relations Manager, to express Kusaj's interest in the Grinding Room Foreman position. (N.T. 13, 17, 18; S.F. 23)
11. In 1987, there had been a growing company-wide concern regarding opportunities for women. (N.T. 90)
12. In 1988 at Associated Spring, there were approximately 13 plant foremen, none of which were women. (N.T. 66, 84)
13. In response to the Company's general concern, Associated Spring's Factory Manager, Donald Smith, (hereinafter "Smith"), and McEldowney compiled a list of 10-12 women who were regarded as having promotion potential. (N.T. 70, 90, 91)
14. In April 1988, McEldowney met with Kusaj and other selected women to ascertain their interest in promotion. (N.T. 36; S.F. 21)
15. Kusaj and several others expressed an interest in advancement, several others expressed no interest. (N.T. 36)
16. Depending on the areas of interest expressed, McEldowney developed career path training plans which were then conveyed to interested women. (N.T. 77, 91)
17. When Kusaj expressed interest in promotion to factory foreman, she was advised that she needed career path training in either industrial engineering or production engineering. (N.T. 92)
18. In the Spring of 1988, Smith and his assistant, Henry McCray, (hereinafter "McCray"), prepared a list of potential candidates to replace Adams. (N.T. 86, 87)
19. Kusaj was on that list. (N.T. 87)

20. The work records of listed employees were screened for minimal initial qualifications, and the following four candidates were deemed qualified and selected for interview: Dan Fairchild; Ray Rusnak; Paul Adams and Timothy Harger, (hereinafter "Harger"). (N.T. 77, 78)
21. Kusaj was neither selected nor interviewed. (N.T. 78)
22. Several factors led to the creation of an assistant foreman position in the grinding department: In 1988, the grinding room was very busy requiring two full shifts and half of a third; another plant was being moved causing an increase in work in support of the other facility; there were 40 employees to supervise on three shifts; and the advance notice of Adams' pending retirement provided an interim training and evaluation period during which a decision could be made regarding whether the selected individual was the right choice to assume the foreman's duties upon Adams' retirement. (N.T. 40, 73, 75, 79)
23. Smith selected Harger to assume the duties of Assistant Foreman in the grinding room, effective August 1, 1988. (N.T. 19, 65, 79)
24. Prior to 1980, Smith's promotion philosophy was to promote from within a department. (N.T. 74, 97)
25. After 1980, Smith placed greater emphasis on experience with either spring design or production engineering. (N.T. 74-75)
26. The promotion philosophy changed as the business became more technical. (N.T. 97)
27. Smith indicated the need was for people who knew the product not just the process it goes through. (N.T. 97)
28. Kusaj, although an excellent expeditor, lacked engineering and design training or experiences. (N.T. 22, 89)

29. Harger not only had personal exposure to the grinding room but also industrial engineering and production engineering training and experience. (N.T. 61, 62, 63, 78)

30. Beginning in August 1988, Smith observed Harger's performance as assistant foreman until October or November 1988 when Smith decided Harger would be promoted to Foreman upon Adams retirement. (N.T. 79, 81)

31. Having decided Harger would replace Adams, Smith also decided to continue the Assistant Foreman position which Harger would vacate. (N.T. 82)

32. Smith instructed McEldowney to ask Kusaj if she wanted to be considered for the position. (N.T. 82)

33. McEldowney asked Kusaj, however, after pondering the prospect for several days Kusaj instructed McEldowney that she was not interested in being considered. (N.T. 17, 18, 42, 44, 81)

34. Harold Cochoran, an employee with prior experience as a factory manager at another facility, was chosen to replace Harger as Assistant Foreman. (N.T. 65, 95)

35. In December 1989, Harger was transferred to manufacturing engineering, and Cochoran became Foreman. (N.T. 65)

36. In February 1989, Kusaj was promoted to the position of rate setter in the Industrial Engineering Department. (N.T. 23)

37. Industrial Engineering Department experience is considered good background for a Foreman position since while working there an employee would be able to familiarize oneself with the operations of machinery. (N.T. 23, 24, 25)

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission ("PHRC") has jurisdiction over the parties and the subject matter of this case.
2. The parties and the PHRC have fully complied with the procedural prerequisites to a Public Hearing.
3. The Complainant is an individual within the meaning of the Pennsylvania Human Relations Act ("PHRA").
4. The Respondent is an employer within the meaning of the PHRA.
5. A prima facie case of a sex-based failure to promote may be established by showing that:
 - a. Kusaj is a female;
 - b. who applied for and was qualified for an available position;
 - c. she was considered for but was not selected for promotion; and
 - d. the promotion was given to a male with either less or comparable qualifications than Kusaj.
6. Kusaj failed to establish a prima facie case of a sex-based discriminatory failure to promote.
7. Assuming arguendo that a prima facie case was shown, Associated Spring successfully articulated reasons why Kusaj was not promoted.
8. The Complainant has not successfully proven by a preponderance of the evidence that Associated Spring's articulated reasons for the failure to promote, were pretextual.

9. Kusaj has not met her ultimate burden of persuasion that Associated Spring's actions violated Section 5(a) of the PHRA.

OPINION

This case arises on a complaint filed by Janice Kusaj, ("Kusaj"), against Associated Spring/Barnes Group, Inc., ("Associated Spring"), with the Pennsylvania Human Relations Commission ("PHRC"). In her complaint filed on or about November 21, 1988, Kusaj alleged that Associated Spring failed to promote her because she is a woman. This sex-based allegation alleges a violation 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. ("PHRA"). The Complainant's complaint also alluded to an unequal pay situation, however, through a stipulation, the Complainant abandoned this aspect of her claim.

PHRC staff investigated the denial of promotion allegation and at the investigation's conclusion, informed Associated Spring that probable cause existed to credit Kusaj's allegation. Thereafter, the PHRC attempted to eliminate the alleged unlawful practice through conference, conciliation and persuasion but such efforts proved unsuccessful. Subsequently, the PHRC notified Associated Spring that it had approved a Public Hearing.

The Public Hearing was held on October 4, 1991, in Erie, Pa, before Permanent Hearing Examiner Carl H. Summerson. The case on behalf of the complaint was presented by PHRC staff attorney Diane Blancett-Maddock. Mary Louise Beardsley, Esquire, appeared on behalf of Associated Spring. Following the Public Hearing, the parties were afforded an opportunity to submit briefs. The post-hearing brief on behalf of the complaint was received on November 20, 1991, and the brief for Associated Spring was received on November 21, 1991.

Fundamentally, the nature of Kusaj's claim is based on the concept of "disparate treatment" that resulted from sex discrimination. In Allegheny Housing Rehabilitation Corp. v. PHRC, 516 Pa. 124, 532 A.2d 315 (1987), the Pa. Supreme Court clarified the order and allocation of evidence burdens first defined in McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973). The PA 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, non-discriminatory reason for...[its action]." If the Respondent meets this production burden, in order to prevail, a Complainant must demonstrate that the entire body of evidence produced demonstrates 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).

The Pa. Supreme Court also indicated that if a Complainant "produces sufficient evidence that, if believed and otherwise unexplained, indicates that more likely than not discrimination has occurred, the [Respondent] must be heard in response." If the Respondent fails to respond, the presumption of discrimination created by the prima facie showing stands determinative of the factual issue and the Complainant must prevail. However, when a Respondent offers a non-discriminatory explanation for its actions, the presumption of discrimination drops off. Allegheny Housing Authority, Supra.

In this court designed tripartite evidence burden allocation, Kusaj must, of course, first establish a prima facie case by a preponderance of the evidence. Since McDonnell Douglas, Supra, was a race-based refusal to hire case, the literal phrasing of the prima facie burden articulated in McDonnell Douglas does not precisely fit the act of harm alleged by Kusaj. Accordingly, the McDonnell Douglas proof pattern must be adapted to fit the factual variances presented by the allegation raised in the instant case.

To establish a prima facie case of a failure to promote Kusaj must establish:

1. That she is a member of a protected class;
2. That she was qualified for and applied for an available promotion;
3. That she was considered for and denied the promotion; and
4. That the available promotion was given to an individual with either less or comparable qualifications who was not a member of the protected class.

See i.e., Stencil v. Clayton, 30 FEP 730 (D.C.D.C. 1978); Garner v. Boorstin, 690 F.2d 1034, 29 FEP 1765 at 1767 n. 4 (D.C. Cir. 1982); and Key v. Gillette Co., 50 FEP 1613 (D.C. Mass. 1982).

Under the requisite showing to establish a prima facie case of failure to promote, Kusaj of course satisfied the first criterion: She is a female. Just as clear was the satisfaction of the third element: She was denied a promotion for which she had been considered.

Regarding the second element, Associated Spring's Factory Manager, Smith, testified that although Kusaj had been initially included on a candidate list, it was his conclusion that Kusaj was unqualified for the

promotion to foreman. Smith indicated that a review of Kusaj's work record revealed Kusaj lacked both spring design experience and engineering type experience. (N.T. 87, 89) Such experiences, Smith testified, had been prerequisites in his promotional philosophy since 1980.

Kusaj introduced no evidence to contradict the testimony that spring design and engineering experience were necessary qualifications for a promotion to the foreman position. This evidentiary defect naturally extends to the fourth element of a prima facie showing, as Kusaj's evidence of her qualifications as compared to Harger's falls short of the requisite showing that she was at least similarly qualified. The evidence presented shows that Kusaj's qualifications were different but not necessarily better.

Smith readily praised Kusaj's work as an expeditor, however, Smith testified, "we did not feel that [her work record as a production control expeditor] qualified her for the position." (N.T. 89) The only testimony offered in this case was that Smith had sole discretion over what particular attributes of a candidate best recommended that candidate for the job. Smith's reasons were not attacked and are in line with result-oriented management. Kusaj herself concedes that she had no knowledge of spring design, had never worked production equipment, and only had a general knowledge of setting up equipment from watching others do it. (N.T. 21, 22)

Conversely, Harger had hands-on experience setting up equipment, (N.T. 60), had worked in both the Industrial Engineering, and the Production Engineering Departments, (N.T. 61-62) and had worked with spring design. (N.T. 62)

Kusaj submits that she had worked for approximately nine years as a scheduler/expeditor, while Harger had only been with Associated Spring a little more than two years before being promoted. This single factor fails to demonstrate that Kusaj was in fact more qualified than Harger. See, Paul v. FNNA, 49 FED 360 (D.C.D.C. 1988) Furthermore, Harger's prior work history, known to Smith at the time, indicated a wealth of supervisory experiences that gave him a substantial edge over not only Kusaj but apparently the entire field of candidates. Additionally, Harger had 33 college credits while Kusaj had no college credits.

In this case, the evidence presented on behalf of Kusaj's case to show discrimination was miniscule. For example, Kusaj appears to stand on the fact that of approximately 13 Foremen, none were women. Without more, this general statistical evidence is entirely inconclusive. The U.S. Supreme Court has held that the failure to include variables affects a statistical showing's probativeness. Bazemore v. Friday, 478 U.S. 385 at 400 (1986). Here, information on possible variables was more than incomplete it was nonexistent. The probative value of the statistical showing is therefore accorded no weight since no surrounding facts and circumstances have been shown.

The brief on behalf of the complaint generally argues that the Complainant established a prima facie case. Assuming arguendo, that being initially listed as a candidate for consideration for the Assistant Foreman position "qualified" Kusaj for the position, there remains the issue of the necessity to show Kusaj was at least as qualified as Harger. The brief on behalf of the complaint asserts that the fourth element of a prima facie

case should simply be that the person promoted was not a member of the protected class. In PHRC v. Johnstown Redevelopment Authority, Pa. 558 A.2d 497 (1991), the Pa. Supreme Court dealt with what constitutes the fourth element of a prima facie case. The Supreme Court clearly mandates that a Complainant establish that they were as well qualified as the successful candidate.

However, as the Pa. Supreme Court also indicated in Allegheny Housing Rehabilitation Corp. v. PHRC, 532 A.2d 315 (1987), the important analysis ultimately to be made is whether a Respondent produced evidence of a legitimate, non-discriminatory reason for the alleged discriminatory action, and if so, whether, on all the evidence produced, the Complainant has persuaded the PHRC by a preponderance of the evidence that intentional discrimination has been established. "Whether the plaintiff must eliminate a certain non-discriminatory reason as part of making a prima facie case, or discredit the evidence of that same reason produced by the employer after plaintiff's prima facie case has been made, the result is the same; the plaintiff must persuade the fact finder by a preponderance of the evidence." Id at 318.

Here, assuming *arguendo* that Kusaj in fact successfully demonstrated a complete prima facie case, Associated Spring has articulated a legitimate non-discriminatory reason for promoting Harger. Quite simply, Smith testified that it was his policy to only promote those with design and engineering experience into production foreman positions. Clearly, Kusaj had neither.

The brief on behalf of the complaint suggests that Associated Spring "denied equally performing women similar opportunities" than men, and

that Kusaj "was never given the opportunity to enhance her duties or cross train..." First, nothing in the record addressed "equally performing" men and women. The record does contain references to an effort by Associated Spring to identify women with promotion potential and to suggest certain career paths to help achieve articulated goals. With the exception of Kusaj's position, the record is devoid of the types of jobs held by women at Associated Spring. Certainly, there is nothing in the record to support a finding that women in general or Kusaj in particular were in any way ever denied an opportunity to participate in assignments which would be considered as good experience for promotions. By suggesting otherwise, the brief on behalf of the complaint has made a giant leap unsupported by the evidence presented.

Clearly, there was a significant difference in Kusaj's scheduler/expeditor position and those positions which involved worked with the various manufacturing equipment at Associated Spring. Fundamentally, Harger had such experiences, Kusaj conceded, she did not. The foreman's position Kusaj sought was that of supervisor of 40 persons whose jobs, Kusaj effectively conceded, she knew very little about.

As good as Kusaj was at scheduling and expediting, such skills were believed by Smith to fall short of the appropriate qualifications needed for the foreman's position. It was Kusaj's burden to prove by a preponderance of the evidence that this rationale was pretextual. She simply has not.

Accordingly, Kusaj has failed to establish by a preponderance of the evidence that she has been the victim of intentional sex-based discrimination. Therefore, Kusaj having failed to meet her ultimate burden of proof, her case must be dismissed. An appropriate order follows:

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

JANICE KUSAJ,
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GROUP, INC.
Respondent

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RECOMMENDATION OF THE PERMANENT HEARING EXAMINER

Upon consideration of the entire record in the above-captioned matter, the Permanent Hearing Examiner finds that the Complainant has failed to prove discrimination in violation of §5(a) of the Pennsylvania Human Relations Act. It is, therefore, the Permanent Hearing Examiner's recommendation that the attached Joint Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion be approved and adopted by the full Pennsylvania Human Relations Commission. If so approved and adopted, the Permanent Hearing Examiner recommends issuance of the attached Order.



Carl H. Summerson
Permanent Hearing Examiner

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Docket No. E-46020-D

FINAL ORDER

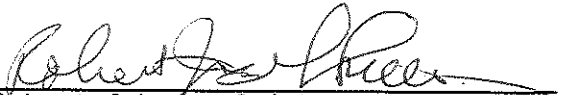
AND NOW, this 6th day of January, 1992, after a review of the entire record in this matter, the Pennsylvania Human Relations Commission, pursuant to Section 9 of the Pennsylvania Human Relations Act, hereby approves the foregoing Joint Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion of the Permanent Hearing Examiner. Further, the Commission adopts said Joint Stipulations of Fact, Findings of Fact, Conclusions of Law and Opinion into the permanent record of this proceeding, to be served on the parties to the complaint and hereby

O R D E R S

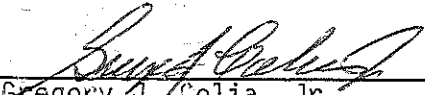
that the complaint in this case be, and the same hereby is dismissed.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

By:


Robert Johnson Smith
Chairperson

ATTEST:


Gregory J. Celia, Jr.,
Secretary