

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

FRANK T. LANGILL,  
Complainant

v.

GENERAL ELEVATOR COMPANY,  
INCORPORATED,  
Respondent

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DOCKET NO. E-53670-A

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

FINDINGS OF FACT \*

1. The Complainant in this case is Frank T. Langill (hereinafter "Langill"). (NT 21.)
2. Langill was born on February 2, 1941, and in January 1991, he was forty-nine years old. (NT 21.)
3. The Respondent is General Elevator Company (hereinafter "General Elevator"). (CE 1.)
4. General Elevator installs, modernizes, repairs and maintains a variety of elevator manufacturers' equipment. (NT 220.)
5. General Elevator is not an original equipment manufacturer. (NT 220.)
6. Not only are there a variety of manufacturers, there are fundamentally different types of elevator systems. (NT 117-119, 212-217.)
7. Basically, there are either hydraulic or traction elevators, which are controlled by either relay logic (electrically), or by micro-processors (electronically). (NT 117-119, 212-217.)
8. In the elevator construction trade, there are basically two job classifications: helper and mechanic. (NT 31, 100.)

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\* 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  
CE Complainant's Exhibit  
RE Respondent's Exhibit

9. Generally, helpers and mechanics are assigned to either construction, modernization, or repair and maintenance. (NT 212, 213, 216, 377, 396.)

10. Elevator construction involves the installation of a new elevator. (NT 115, 212.)

11. Elevator modernization is the process of renewing older equipment. (NT 24, 115, 213.)

12. Elevator repair differs from elevator maintenance, whereby repair work involves fixing damages to an elevator, and maintenance involves periodic inspection and general upkeep of an elevator. (NT 25, 217.)

13. To become an elevator mechanic, an employee was required to complete 14 study modules which deal with all phases of elevator and escalator operations, and upon completion of the modules of study, pass an exam which was given annually. (NT 33, 34.)

14. Langill entered the elevator industry in 1967 when he began employment with Westinghouse Electric. (NT 21.)

15. Langill remained with Westinghouse Electric for approximately two years, during which time Langill was a helper doing construction work. (NT 21, 25, 59.)

16. Between 1970 and 1976, Langill was employed by Otis Elevator where he worked construction and was in the service department as a helper and temporary mechanic. (NT 26, 59.)

17. In 1976 Langill went to work for Armour Elevator where he remained a helper doing construction. (NT 28.)

18. Langill worked for Armour Elevator approximately three years. (NT 29.)

19. In 1979 Langill began working for General Elevator. (NT 29.)
20. For the first four to five months with General Elevator, Langill was a helper on a modernization project. (NT 29.)
21. For the next six to seven months, Langill worked in General Elevator's service department as a helper. (NT 30.)
22. An employee assigned to a housing project, Mill Creek Plaza, quit, and Langill was asked to become the maintenance man at Mill Creek Plaza. (NT 30.)
23. General Elevator had service and maintenance contracts with the Philadelphia Housing Authority (hereinafter "PHA"), covering various PHA projects throughout Philadelphia. (NT 268.)
24. Langill agreed to work maintenance and repair at Mill Creek Plaza where he remained for approximately five years. (NT 31-32.)
25. Although still a helper, Langill was paid 12-1/2 percent above the mechanic's rate for work at Mill Creek Plaza. (NT 31.)
26. General Elevator lost the service and maintenance contract for Mill Creek Plaza and, in 1985, Langill was moved to King Plaza, another PHA project. (NT 32.)
27. Although permanently assigned to King Plaza, at times Langill did maintenance and repairs on the elevators at other projects, including: Cambridge, Norris, Fairhill, West Park, Raymond Rosen, and Mantua. (NT 34-36. 72.)
28. Approximately 90 to 95 percent of Langill's time was spent at King Plaza. (NT 60, 73.)
29. Langill remained at King Plaza until he was laid off on January 4, 1991. (NT. 60.)

30. Langill remained a helper until he passed the mechanic's exam in November 1986. (NT 33, 64.)

31. Typically, it takes an individual five years or less to become a mechanic after entering the elevator industry as a helper. (NT 179, 184, 377, 388, 419-420.)

32. Langill was a helper for approximately 19 years. (NT 21, 33.)

33. King Plaza is composed of four buildings, each with two elevators. (NT 32.)

34. Langill mostly did repair work which was necessitated mainly by continued vandalism. (NT 61, 223, 264.)

35. During Langill's ten years of doing repair and maintenance in the PHA projects, Langill did not work on either modernization or construction projects. (NT 67, 73, 80, 91.)

36. In approximately February 1990, General Elevator lost the maintenance contracts with the PHA, including King Plaza. (NT 265, 274, 318.)

37. The loss of PHA maintenance contracts reduced General Elevator's annual sales from approximately \$8 million to \$5 million. (NT 268, 269, 275.)

38. At approximately the same time period, General Elevator was awarded a modernization contract for the eight elevators at King Plaza. (NT 265-266.)

40. The King Plaza modernization was to occur in two phases: Phase I, one elevator per building would be shut down for modernization; Phase II, once the first four elevators had been modernized, the remaining four elevators would be shut down for modernization. (NT 266, 289-290.)

41. A large part of the modernization project at King Plaza was designed to install vandal-resistant parts in place of parts which were the objects of continual vandalism. (NT 70, 225-226, 290, 351.)

42. On January 4, 1991, as Phase I of the King Plaza modernization project was near completion, Langill was laid off. (NT 38, 69.)

43. Between September 29, 1989 and January 4, 1991, General Elevator had laid off 29 employees with the designated reason, "Lack of Work." (CE 5.)

44. Of these 29 employees, at least 13 were under forty years of age. (CE 5.)

45. In January 1991, General Elevator employed a total of 70 mechanics. (NT 9; CE 2.)

46. Of the 70 mechanics, 19 (or 27.1 percent) were under forty, and 51 (or 72.9 percent) were over forty years of age. (CE 2.)

47. Of the 51 mechanics over forty, 24 (or 30.4 percent) of General Elevator's mechanics were over fifty years of age. (CE 2.)

48. William Fagan, the business manager for the International Union of Elevator Constructors, Local 5 (hereinafter "the union"), testified that generally in the industry there were more younger workers than older workers. (NT 106.)

49. In 1991, General Elevator had considerably more mechanics over forty than under forty. (CE 2.)

50. In the early 1980s, the elevator industry began to enter a period of technological change. (NT 221, 242, 309.)

51. The industry began moving towards microprocessor computer operations. (NT 66, 87, 120, 212, 221, 229.)

52. In the early and mid-1980s, business was good. However, business dwindled in the later part of the 1980s and into the 1990s. (NT 270-271.)

53. After losing PHA contracts which had been a major portion of its business for fifteen years, General Elevator was forced to restructure and reevaluate its entire business plan. (NT 275.)

54. General Elevator had not only lost PHA contracts, but there developed other reduced needs in its operations. (NT 330, 350.)

55. General Elevator began to focus more on seeking high-tech business. (NT 271, 275, 292-293.)

56. General Elevator devoted resources to its plan for the future. (NT 292-293.)

57. General Elevator offered voluntary educational programs at its facilities which focused on the anticipated industry shift to electronic, microprocessing elevator operation. (NT 139, 219-220, 237, 292-293.)

58. Mechanics were not paid to attend these classes. (NT 312.)

59. Managers who attended such classes could not recall seeing Langill at the classes. (NT 300, 348, 408, 413, 421.)

60. The union had requested that no attendance records be kept for these classes. (NT 243, 245, 297.)

61. The mechanical skills involved with microprocessor components are different, and Langill testified that he does not understand computerized elevators. (NT 87, 101.)

62. The number of mechanics General Elevator needed was directly related to the volume of its business. (NT 269.)

63. The type of mechanics needed is also directly related to the type of business General Elevator both had and anticipated having. (NT 269-271.)

64. General Elevator's field supervisors met weekly to evaluate their workload and to schedule manpower. (NT 164, 323-324.)

65. During the first week of January 1991, General Elevator's field supervisors were told to lay off four or five employees. (NT 284, 331, 383, 403.)

66. The following supervisors met to discuss these layoffs: Jack Campbell, Kevin Lee, Rich Smith, Jim Helstran, Dan DiCocco, and Dick Farley. (NT 283, 364.)

67. By vote, the supervisors jointly decide where General Elevator's mechanics can best be utilized, and who will be laid off. (NT 282, 285, 286, 329-330.)

68. When a layoff is to occur, all mechanics are considered. (NT 318, 423.)

69. After discussing the available talent, the supervisors collectively concluded others could do the available work better than those selected for layoff. (NT 326, 364, 380, 404, 425.)

70. Langill and three others were laid off on January 4, 1991. (CE 5.)

71. Three days later one additional mechanic was laid off. (CE 5.)

72. Langill's on-site job at King Plaza had been effectively eliminated. (NT 322-323, 331.)



73. General Elevator could have removed Langill earlier, when Phase I of the modernization program at King Plaza began. (NT 267.)

74. At that time, only four of eight elevators were running, and on-site modernization crews, who could have attended to any necessary repairs or maintenance needs, had been assigned to each of the four elevators being modernized. (NT 267.)

75. Instead, Langill was kept at King Plaza until the first phase of the modernization was nearly completed. (NT 267.)

76. The full modernization of King Plaza appears to have been completed on March 31, 1991, as General Elevator continued to have a one-year maintenance obligation after the completion of the project, and that obligation did not end until March 31, 1992. (NT 158, 159, 273, 277.)

77. The repair and maintenance obligations at King Plaza after the first phase of modernization was finished was much less, as there were now new elevators which were vandal-resistant. (NT 351.)

78. After January 4, 1991, Edward Collins, Sr. (hereinafter "Collins") and a mechanic named Henry were assigned routes which included PHA repair and maintenance calls. (NT 166, 167, 171, 177, 331, 345-346.)

79. Collins was older than Langill, and Henry was over forty. (NT 127, 345-346; CE 2.)

80. At the time of Langill's layoff, three employees under forty years of age had only recently passed the mechanic's exam: Jimmy Dever, Richard Massey, Jr., and Eddie Modestowicz. (NT 346.)

81. Each of these mechanics had been involved in modernization projects at the time of Langill's layoff. (NT 347.)

82. Following his layoff, Langill called the union and had the union include his name on an alphabetically-maintained list of available mechanics. (NT 40.)

83. Langill filed a Pennsylvania Human Relations Commission complaint. (CE 1.)

84. Langill was neither called by General Elevator nor called by other employers. (NT 41, 74, 108.)

85. Since January 1991, General Elevator has both hired and laid off mechanics. (NT 100; CE 5.)

86. General Elevator's hiring process begins with a review of the union unemployed list and a collective discussion by General Elevator's field supervisors of a prospect's equipment familiarity, experience, and abilities. (NT 326-328.)

87. It was the concensus of field supervisors that Langill was not as qualified as any mechanic hired subsequent to Langill's layoff. (NT 362.)

CONCLUSIONS OF LAW

1. The Pennsylvania Human Relations Commission (hereinafter "PHRC") has jurisdiction over the parties and subject matter of this case.

2. The parties and the PHRC have fully complied with the procedural prerequisites to a public hearing in this case.

3. Langill is an individual within the meaning of the Pennsylvania Human Relations Act (hereinafter "PHRA").

4. General Elevator is an employer within the meaning of the PHRA.

5. Langill has the burden of establishing a prima facie case for the allegation of age-based discrimination raised in his complaint.

6. Langill has established a prima facie case of an age-based layoff by showing:

- a. he is a member of a protected class;
- b. he was a qualified mechanic;
- c. he was laid off; and
- d. there was a continuing need for mechanics at General Elevator.

7. General Elevator articulated legitimate, nondiscriminatory reasons for Langill's layoff.

8. Langill failed to establish that General Elevator's reasons were a pretext for age discrimination.

9. Langill established a prima facie case of retaliation by showing:

- a. he had filed a PHRC complaint;
- b. after filing his complaint Langill was not recalled; and
- c. there was a causal connection between filing a complaint and not being recalled.

10. General Elevator articulated legitimate, nondiscriminatory reasons for not recalling Langill.

11. Langill failed to show these reasons were a pretext for retaliation.

## OPINION

This case arises on a complaint filed by Frank T. Langill (hereinafter "Langill") against General Elevator Company, Incorporated (hereinafter "General Elevator"), on or about January 10, 1991, at Docket Number E-53670-A. By Interlocutory Order dated January 29, 1993, an oral application to amend the complaint was granted. Langill alleged that General Elevator discriminated against him by laying him off because of his age and subsequently refusing to recall him because he filed a Pennsylvania Human Relations Commission (hereinafter "PHRC") complaint. Langill's complaint thus claims that his layoff and subsequent alleged retaliatory refusal to recall him violated Sections 5(a) and (d) of the Pennsylvania Human Relations Act, Act of October 25, 1955, P.L. 744, as amended, 43 P.S. §§951 et seq. (hereinafter "PHRA").

PHRC staff conducted an investigation and found probable cause to credit the allegations of discrimination. The PHRC and the parties then attempted to eliminate the alleged unlawful practices through conference, conciliation, and persuasion. The efforts were unsuccessful, and this case was approved for public hearing. The public hearing was held on June 14 and 15, 1993, in Philadelphia, Pennsylvania, before Carl H. Summerson, Permanent Hearing Examiner.

The case on behalf of Langill was presented by Mariann E. Schick, Esquire. Edwin M. Matzkin, Esquire, appeared on behalf of General Elevator, and the PHRC interest in this matter was overseen by Pamela Darville, Esquire, Assistant Chief Counsel, PHRC. Post-hearing briefs were simultaneously submitted by the parties on September 7, 1993.

Langill's allegations present two distinct claims: an age-based layoff, and a retaliatory failure to recall him. Although claims of retaliation are analyzed the same way as disparate treatment claims (see, Donnellon v. Fruehauf Corp., 794 F.2d 598, 41 FEP 569 (11th Cir. 1986)), after articulation of some general principles applicable to each, the separate claims here will be reviewed independently.

Generally, the pattern of analysis follows a common avenue. First, a complainant must establish a prima facie case. If a prima facie case is sufficiently established, a respondent is afforded an opportunity to articulate a legitimate, nondiscriminatory 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. See, McDonnell-Douglas Corp. v. Green, 411 U.S. 792 (1973); Allegheny Housing Rehabilitation Corp. v. PHRC, 516 Pa. 124, 532 A.2d 315 (1987); Texas Department of Community Affairs v. Burdine, 450 U.S. 248 (1981).

Both at the public hearing and in its brief, General Elevator contended that Langill failed to establish a prima facie case of an age-based layoff. General Elevator's brief correctly points to Orweco Frocks, Inc. v. PHRC, 113 Pa. Cmwlth. Ct. 333, 537 A.2d 897 (1988), as precedent in Pennsylvania for what constitutes a prima facie case of age discrimination where an economic turndown is alleged. The court in Orweco reaffirmed its adoption of the prima facie case set forth in the case of Montour School District v. PHRC, 109 Pa. Cmwlth. Ct. 1, 530 A.2d 957 (1987). In effect, that burden was articulated as follows:

1. At the time of the alleged action, the Complainant belonged to a protected class;
2. Complainant was performing duties that he was qualified to perform;
3. Complainant was laid off from his position; and
4. There was a continuing need for the services Complainant had been performing.

Page 9 of General Elevator's brief concedes that Langill has met the first three elements of this prima facie showing. However, General Elevator contends that Langill is unable to prove that there was a continuing need for the services Langill had been performing. General Elevator submits that the on-site repair and maintenance mechanic position at King Plaza had been eliminated, thus there was no longer a need for Langill's services.

Since the burden of establishing a prima facie case should not be onerous (Allegheny Housing Rehabilitation Corp., Supra), we shall consider the services Langill was performing as those generally of a mechanic. Clearly, General Elevator continued to have a need for the services of mechanics.

Langill generally asserts that General Elevator retained younger mechanics with less experience whose work Langill submits he could have performed. In two federal age cases, an inference of discrimination was allowed when there was a showing of significant differences in ages between dismissed employees and retained employees. See, Smith v. Southland Corp., 52 FEP 370 (D.C. N.J. 1990); and Turner v. Schering-Plough Corp., 52 FEP 1227 (3rd Cir. 1990). Here, Langill has shown that at least three General

Elevator mechanics who were much younger than he were retained. Further, Langill offered evidence that he could do the type of work that these three younger mechanics had been assigned.

Having made this showing, Langill sufficiently established a prima facie case of an age-based layoff. Accordingly, we turn our attention to the question of whether General Elevator has proffered a legitimate, nondiscriminatory reason for laying off Langill.

Here, General Elevator has articulated several legitimate, nondiscriminatory reasons for laying off Langill. First and foremost, General Elevator established that Langill's layoff occurred in connection with a loss of contracts with the PHA which resulted in a major loss of revenue. This significant loss of business, along with other reduced needs, necessitated a restructuring of General Elevator's operations. The restructuring necessitated layoffs. Also, more specifically, in January 1991, the need for an on-site repair and maintenance mechanic at King Plaza no longer existed since four of the elevators at King Plaza had been modernized, and the remaining four elevators were to be shut down for modernization.

The second general reason articulated by General Elevator was that when layoffs became necessary, the mechanics' supervisors assessed all of General Elevator's mechanics and determined that Langill was one of the least skilled and versatile mechanics to accomplish General Elevator's existing workload needs. General Elevator submitted that it had to lay off several mechanics and Langill's lengthy stay as a repair and maintenance mechanic had in effect left him rusty when it came to doing either modernization or construction work. Others who were retained were



considered better qualified, given the diversity of their recent experiences and, therefore, could provide the highest possible level of coverage for the operations which remained.

Finally, General Elevator further articulated that a developing trend in elevator technology meant that General Elevator was beginning to seek more and more high-tech business. General Elevator contended that Langill had shown very little initiative generally, and had specifically not kept up to date technologically.

These reasons are sufficient to meet General Elevator's minimal burden of production to articulate legitimate, nondiscriminatory reasons for choosing Langill for layoff. Thus, we turn to whether Langill can establish that the reasons articulated by General Elevator are pretextual.

A federal age case which reviewed a termination in the midst of a corporate reorganization indicated that when there is a downturn in business, a complainant carries a greater burden of meeting the ultimate burden of proof of discrimination. See, Ridenour v. Lawson Co., 40 FEP 1455 (6th Cir. 1986). Clearly, prior to Langill's layoff, General Elevator was faced with some drastically changed economic conditions which necessitated a reduction of its workforce. Langill's obligation is to prove that General Elevator's selection of him for layoff was age-based discrimination.

Under the circumstances present in this case, Langill fails to meet his ultimate burden. First, there is a general principle that where an employer reduces its workforce for economic reasons, it incurs no duty to transfer an employee within the company. Ridenour, Id., citing Sahadi v. Reynolds Chemical, 636 F.2d 1116 23 FEP 1338 (6th Cir. 1980).

There was some evidence presented that, on occasion, General Elevator did transfer employees. In fact, the remaining repair and maintenance obligations at King Plaza were given to a mechanic General Elevator transferred from another location. However, the individual given this assignment was older than Langill. This reassignment fails to lend much support for Langill's claim.

Langill's evidence amounted to little more than his subjective determination that he was able to do modernization work which was being done by three younger mechanics who had only recently passed the mechanic's exam. Interestingly, Langill did not attempt to suggest that he could have done a better job than anyone retained by General Elevator. Literally all Langill did was to suggest there was work remaining that he could do which was being done by younger employees.

Such evidence is insufficient without some other evidence which would establish that age played a role in General Elevator's decision to select Langill for layoff. One's age is not a substitute for seniority rights. Absent a showing of discrimination, the PHRA mandates that an employer reach employment decision without regard to age, but it does not place an affirmative duty upon an employer to accord special treatment to employees over the age of forty. See, Williams v. General Motors Corp., 656 F.2d 120, 26 FEP 1381 (5th Cir. 1981). The age of an employee is accorded neutral status, neither facilitating nor hindering employment or the employee's exposure to a layoff. Absent a showing of discrimination, an employer's legitimate exercise of critical management prerogative should not be second-guessed.

Here, Langill's evidence amounts to only suspicions of an improper motive, which suspicions are based on conjecture and speculation. Langill has failed to produce any specific substantive evidence of pretext.

On the contrary, the record considered as a whole reflects an employer who had a workforce composed of 70 mechanics: 72.9 percent over forty years of age, and 27.1 percent under forty. During an economic downturn period which began in the late 1980s, General Elevator had laid off 29 employees, 13 of whom were under forty. Furthermore, the business manager for the union indicated that area companies which employed elevator mechanics generally employed more younger mechanics than older ones. With 72.9 percent of mechanics over forty years old, it would appear General Elevator's workforce was composed of many more older employees than other companies.

Furthermore, Langill's record tends to reveal that his level of initiative was quite low. It took Langill nineteen years in the industry before he got around to taking his mechanic's test. Most mechanics took the test within five years of their entry into the industry.

There is little question that Langill had performed well at King Plaza and other PHA project locations, however, there is a substantial question of whether staying on one job assignment for ten years makes one as ready to embark on the variety of operations with which General Elevator was involved.

General Elevator's decision to keep mechanics who were performing well on their varied assignments and not transferring Langill to replace someone who was performing well cannot be found to have been discriminatory under the circumstances presented here.

One final area should be noted. Langill appears to assign some negative connotation to a comment made to him at the time he was informed of his layoff. In effect, Langill was told he did not fit in. Standing alone, this comment is far too vague and ambiguous to assign any age-based animus to it.

Here, Langill was simply one of many unfortunate victims of a severe economic downturn affecting the industry in general and General Elevator in particular. General Elevator appears to have given equal consideration to all of its employees regardless of their age, and Langill's job was simply eliminated.

Turning to Langill's retaliation claim, in order to establish a prima facie case, Langill must show that:

1. he made a charge under the PHRA;
2. subsequent to the filing of a complaint, he was subjected to an adverse employment consequence; and
3. there was a causal connection between the filing of the PHRC complaint and the adverse employment consequence.

See, Consumers Motor Mart v. PHRC, 108 Pa. Cmwlth. Ct. 59, 529 A.2d 571, n.5 (1987).

Only Langill's brief discussed the retaliation aspect of Langill's claims. General Elevator's emphasis was placed principally on the layoff, both during the public hearing and in its brief. Here, Langill makes out a prima facie case of retaliation. Clearly, he filed a PHRC complaint after his layoff, and he was never recalled. Langill also presented evidence that not long after his layoff, General Elevator not only hired new employees, but they recalled other laid-off employees.

General Elevator's response to this prima facie showing was to once again articulate legitimate, nondiscriminatory reasons for not recalling Langill. In general, General Elevator indicated that they either hired or recalled other mechanics before Langill because they either performed a special function, or were considered familiar with certain types of equipment. Further, General Elevator submits that Langill's limited versatility and long stretch in repair and maintenance at the PHA projects made him less desirable for hiring due to the perceived limitations this caused.

Langill's brief suggests that General Elevator's reasons are pretextual for two reasons: (1) General Elevator neither criticized Langill's work when he was an employee nor suggested he had limited abilities; and (2) the union contract did not distinguish between mechanics regarding the types of work they performed. These points fail to directly confront the reasons stated by General Elevator. Instead, these points once again rest on speculation as support for a pretext showing.

Here, the record considered as a whole contains no direct rebuttal to the general proposition that General Elevator's choices after January 1991 were based on filling their specific needs with the best qualified mechanics available to them. Langill's credentials were questionable in a number of respects.

First, Langill had been viewed by General Elevator as an employee who had not shown initiative and was not keeping up to date with technological changes which were rapidly becoming the standard in the elevator industry. Second, earlier in Langill's employment history, during a period of economic downturn in the industry, Langill's stay on the union's

unemployed list was for an extended period of time. The extended time Langill spent on the union's list after his layoff in 1991 was strikingly similar to the lengthy hiatus he experienced years earlier.

In short, like with his layoff claim, Langill's burden of proof has not been met with respect to his retaliation claim. An appropriate order dismissing Langill's claims follows.

COMMONWEALTH OF PENNSYLVANIA  
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PENNSYLVANIA HUMAN RELATIONS COMMISSION

FRANK T. LANGILL,  
Complainant

v.

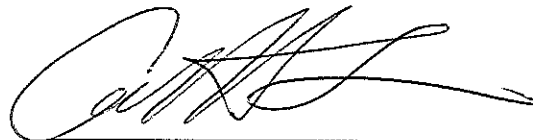
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DOCKET NO. E-53670-A

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 Sections 5(a) and (d) of the Pennsylvania Human Relations Act. It is, therefore, the Permanent Hearing Examiner's recommendation that the attached 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 Final Order.



Carl H. Summerson  
Permanent Hearing Examiner

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FINAL ORDER

AND NOW, this 28th day of October, 1993, 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 Findings of Fact, Conclusions of Law, and Opinion of the Permanent Hearing Examiner. Further, the Commission adopts such Findings of Fact, Conclusions of Law, and Opinion as its own findings in this matter and incorporates the 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.

By: Robert Johnson Smith  
Robert Johnson Smith, Chairperson

ATTEST:

Gregory J. Celia, Jr.  
Gregory J. Celia, Jr., Secretary