

**State of Connecticut**

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March 31, 2016

CHRO ex rel. Mark Lauray v. City Hall Café CHRO No. 1530333 Fed No.16A201500640

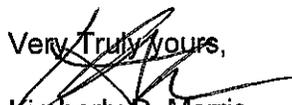
**FINAL DECISION**

Dear Complainant/Respondent/Commission:

Transmitted herewith is a copy of the Presiding Referee's Final Decision Re Hearing in Damages in the above captioned complaint.

The decision is being sent by via by via email to the commission, complainant, respondent and/or counsel.

Very Truly Yours,

  
Kimberly D. Morris  
Secretary II

cc.

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Elissa T. Wright, Presiding Human Rights Referee

State of Connecticut  
Commission on Human Rights and Opportunities  
Office of Public Hearings

Commission on Human Rights and Opportunities  
ex rel. Mark Lauray, Complainant

CHRO Case No. 1530333  
Federal No. 16A201500640

v.

City Hall Café, Respondent

March 31, 2016

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COMM. DIV.

**Final Decision**  
**Hearing on Damages after the Entry of an Order of Default**

**I**

**Procedural Background**

On February 2, 2015, the complainant, Mark Lauray, whose address is 701 South Main Street, Waterbury Connecticut, 06704; <sup>1</sup> (Tr. 15); filed an affidavit of illegal discriminatory practice (complaint) with the Connecticut Commission on Human Rights and Opportunities (commission) alleging that his employer, City Hall Café (respondent), whose address is 234 East Main Street, Waterbury, Connecticut, 06702, discriminated against him on the basis of his race (African American) and skin color (black) when it terminated his employment in violation the Connecticut Fair Employment Practices Act, specifically, General Statutes § 46a-60 (a) (1) and, through General Statutes § 46a-58 (a), Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2 (Title VII). (Tr. 6, C/CHRO Ex. 1)

On February 24, 2015, the commission caused to be served notice of the complaint on the respondent's agent for service, Ioannis Kaloidis, by certified mail. The United State Postal Service tracking record indicates that the respondent's agent received this notice. (Tr. 6, 7, 8, C/CHRO Exs. 2, 3) The commission also attempted, without success, to serve notice of the complaint on the respondent's owner/manager, Jamie Hobart, at both his business and home addresses. (Tr. 9, 10, C/CHRO Exs. 4, 5, 6) After perfecting service of the complaint on the respondent's agent, the commission corresponded with him in an effort to procure an answer to the complaint. (Tr. 11, C/CHRO Ex. 7)

On April 1, 2015, a regional manager of the commission, Donna Marie Wilkerson Brilliant, requested a default order from the commission's executive director, Tanya A. Hughes, because of the respondent's failure to answer the complaint. (Tr. 12, C/CHRO Ex. 8)

On May 5, 2015, pursuant to General Statutes § 46a-83 (j) and section 46a-54-46a of the Regulations of Connecticut State Agencies, the commission's executive director entered a default order against the respondent for failing to file an answer under oath. Notice of the default order was sent to the respondent, its owner/manager, and its agent for service. (Tr. 12, C/CHRO Ex. 9)

On June 2, 2015, the Office of Public Hearings sent a notice of hearing on damages by certified mail to the respondent, its owner/manager, and its agent for service. (Tr. 12, C/CHRO Ex. 9) Signature confirmations on delivery of the certified mailings to the respondent and its agent indicate that they received this notice on June 9, 2015. (Tr. 13, C/CHRO Ex. 10) The notice that was sent to the respondent's owner/manager was returned on June 19, 2015, as unclaimed. (Tr. 13, 14, C/CHRO Ex. 11)

<sup>1</sup> When he filed his complaint, the complainant's address was 35-37 Webb Street, Waterbury, Connecticut, 06704.

On August 27, 2015, a hearing on damages was held to determine the relief necessary to eliminate the discriminatory practice and make the complainant whole. General Statutes § 46a-83a (j). The complainant and the commission appeared to prosecute the action. The respondent did not appear. The record closed on December 29, 2015, the due date for the filing of post-hearing briefs.

## II Findings of Fact

In a hearing on damages upon default, the hearing is limited to the relief necessary to eliminate the discriminatory practice and make the complainant whole. General Statutes § 46a-83 (j); Regs., Conn. State Agencies § 46a-54-95(d). A default admits the material facts alleged in the complaint without the need for further proof. Regs., § 46a-54-86a (b). After conducting a duly scheduled and noticed hearing, and based upon a review of the complaint, exhibits, and transcripts, and an assessment of the credibility of the witness, the following relevant facts are found.<sup>2</sup>

1. All procedural notices and jurisdictional prerequisites have been satisfied and this matter is properly before this presiding officer to hear the matter and render a decision. (Tr. 6 - 13, C/CHRO Exs. 1 - 11)
2. The entry of the default order established the respondent's liability for violations of General Statutes § 46a-60 (a) (1) and, through § 46a-58 (a), of Title VII.
3. The complainant is a member of one or more protected classes because of his race (African American) and his skin color (black). (Complaint ¶ 5, Tr. 27, C/CHRO Ex. 1)
4. The respondent employs more than twenty people. (Complaint ¶ 3, C/CHRO Ex. 1)
5. The complainant began his employment with the respondent as a line cook on or about June 1, 2014 (Complaint ¶ 6, Tr. 16, 20, C/CHRO Ex. 1)
6. During his tenure with the respondent, the complainant worked approximately forty hours per week and earned \$12 per hour, for a regular salary of \$480 per week. Complainant also worked an additional ten hours per week overtime and received the same hourly rate but was paid by separate check, for an additional \$120 per week in overtime pay. (Tr. 16, 17, 18, 19, 20, C/CHRO Exs. 12, 13)
7. On or about August 26, 2014, the complainant gave the respondent a two-week notice of resignation because he had been offered and accepted a new position at another restaurant, Quench Café, with an anticipated start date of September 14, 2014, at higher pay earning a regular salary of \$13 per hour. (Complaint ¶ 7, Tr. 22, 23, 24, 30, 40-42, C/CHRO Ex. 1)
8. The complainant intended his resignation to be effective on September 14, 2014.<sup>3</sup> (Tr. 24)

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<sup>2</sup> References to testimony in the transcript are designated as "Tr.", followed by the page number. The complainant's and commission's exhibits are designated as "C/CHRO Ex.", followed by the exhibit number.

<sup>3</sup> The complainant offered alternative dates for the anticipated end-date for his employment with the respondent under his two-week notice. He testified that when he gave the respondent his resignation notice on August 26, 2014, he intended his employment with Quench Café to end on or about September 14, 2014. (Tr. 24, 50) He also

9. Respondent terminated the complainant on September 1, 2014, following an incident on August 27, 2014, involving the theft of a customer's pocketbook which it had been determined that another employee had stolen. (Complaint ¶¶ 4, 8, 9, Tr. 20, 21, 24, 29, 31, C/CHRO Ex. 1)

10. The theft of the pocketbook occurred during the lunch period, between 11 a.m. and 4 p.m., on August 27, 2014, at least several hours before the respondent arrived at work at 6 p.m. (Complaint ¶¶ 8, 9, Tr. 21, C/CHRO Ex. 1)

11. August 27, 2014, was the complainant's day off from work, but the respondent asked him to come in to work that day to relieve a co-worker. The complainant did not arrive at work until 6 p.m., after the pocketbook was stolen. (Tr. 21)

12. The respondent knew that complainant did not report to work until 6 p.m., on August 27, 2014, at least several hours after a customer reported that her pocketbook had been stolen during the lunch period. (Complaint ¶ 9, C/CHRO Ex. 1)

13. The respondent gave the complainant's name to the Waterbury Police Department as a suspect in the theft and on August 28, 2014, the complainant was questioned by the police at work, in the presence of co-workers and the respondent's owner/manager. (Complaint ¶¶ 9, 10, Tr. 20-22, 24-26, C/CHRO Ex. 1)

14. Complainant was the only previously incarcerated black African American employed by the respondent. Two other previously incarcerated white employees of the respondent, who were similarly situated to the complainant, were not questioned by the police as suspects in the theft of the pocketbook or terminated by the respondent. (Complaint ¶¶ 12, 13, Tr. 27, 28, C/CHRO Ex. 1)

15. The only other person questioned about the theft was a white employee, who was later determined on August 29, 2014, to have committed the theft and whose employment was terminated on August 29, 2014. (Complaint ¶ 11, Tr. 28, 29, C/CHRO Ex. 1)

16. Complainant was embarrassed and humiliated at work in front of co-workers and the respondent's owner/manager when he was questioned by police on August 28, 2014, about the stolen pocketbook. (Tr. 24-28)

17. Complainant felt he was being racially profiled because of his race and color. (Tr. 27)

18. Immediately after the discriminatory acts complained of the complainant sought psychiatric counseling. On September 22, 2014, and again on December 30, 2014, he was referred to Catholic Charities Archdiocese of Hartford for counseling and was diagnosed with post-traumatic stress

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gave conflicting testimony that the end-date of his two-week notice of resignation period would have been September 9, 2014, two calendar weeks after August 26, 2011. (Tr. 51) The complainant's work schedule for the respondent was irregular. See Finding of Fact 21, *infra*. According to the complainant's testimony, if the respondent had not discharged him on September 1, 2014, he would have worked the equivalent of two forty-hour work weeks between the tender of his resignation notice on August 26, 2014, and September 14, 2014. (Tr. 33, 34) These considerations have led me to resolve the discrepancy in favor of September 14, 2014, as the complainant's intended end-date of his employ with the respondent under his resignation notice.

disorder and depressive disorder and paranoia. As of the hearing date, he continues to receive counseling once a week and continues to be on two medications. (Tr. 35-40, C/CHRO Exs. 16, 17).

19. Following the actions complained of, the complainant had nightmares, felt he was unable to be a father to his children, and lost trust in people. (Tr. 25, 35-40)

20. Had he not been terminated on September 1, 2014, complainant would have continued to work for the respondent full-time until September 14, 2014, the anticipated end-date of his notice-of-resignation period. (Tr. 23, 24, 30, 31, 32, 34 and 35)

21. Between September 1, 2014, and September 14, 2014, the complainant was scheduled to work regular eight-hour shifts on nine days, specifically, September 2, 3, 4, 6, 9, 10, 11, 12, and 13, 2014. (Tr. 33, 34)

22. After the termination of his employment by the respondent, complainant contacted his new employers at Quench Café to inform them that he could begin work on September 1, 2014, earlier than he had previously anticipated. (Complaint ¶ 14, Tr. 41, C/CHRO Ex. 1)

23. Complainant began his new employment at Quench Café on September 1, 2014, working part-time. During the first several few weeks of his employment at Quench Café, complainant worked approximately ten and one-half hours per week earning \$13 per hour. He earned \$136.50 per week, and net pay of \$124.32 after deductions. After working at Quench Café for several weeks, complainant completed his rotation into a full-time work schedule and on or about September 21, 2014, his regular hours increased to forty hours per week. (Tr. 40 – 47, 53, C/CHRO Ex. 14)

24. On January 9, 2015, complainant's employment at Quench Café came to an end. (Tr. 40 – 47, C/CHRO Exs. 14, 15)

### III

#### Discussion and Conclusions

The respondent failed to file a written answer and an order of default was entered. General Statutes § 46a-83 (j) expressly permits the executive director or her designee to enter a default order against a respondent "who ... after notice, fails to answer a complaint ..." See also, Regs., Conn. State Agencies § 46a-54-46a.

"Upon entering a default, the presiding officer shall conduct a hearing which will be limited to determining the relief necessary to eliminate the discriminatory practice and make the complainant whole." Regs., Conn. State Agencies § 46a-54-88a (b); *Thames Talent, Ltd. v. Commission on Human Rights & Opportunities*, 265 Conn. 127, 137 (2003). Pursuant to General Statutes §§ 46a-83 (j) and 46a-86, and section 46a-54-46a (e) of the regulations, the undersigned is authorized to award such relief. *State of Connecticut v. Commission on Human Rights & Opportunities*, 211 Conn. 464, 478 (1989).

In a hearing on damages following a default order, the complainant need not prove the respondent's liability. All material allegations in the complaint that are not answered are deemed admitted without further proof; Regs., Conn. State Agencies § 46a-54-86a (b); and the liability of the respondent is conclusively determined. *Skylar Ltd. Partnership v. S. P. Douthett & Co.*, 18 Conn. App. 245, 253 (1989). The respondent's liability for violations the complainant's right to a work environment free of race and skin-color discrimination under General Statutes § 46a-60 (a) (1) and Title VII, as enforced through

General Statutes § 46a-58 (a), having been determined by virtue of the default order, all that remains is the assessment of damages based on the evidence presented. *Carothers v. Butkin Precision Mfg. Co.*, 37 Conn. App. 208, 209 (1995); *Commission on Human Rights & Opportunities ex rel. Mohammed v. Norwalk Economic Opportunity NOW, Inc.*, 2014 WL 77776677, 3; *Commission on Human Rights & Opportunities ex rel. Punzalan v. Zheng Trust LLC dba Koto Japanese Restaurant*, 2014 WL 5791595, 3.

**IV**  
**Damages**  
**A**  
**Back Pay**

General Statutes §46a-86 (b) specifically authorizes an award of back-pay damages for violations of General Statutes § 46a-60. *Commission on Human Rights & Opportunities v. Truelove and Maclean, Inc.*, 328 Conn. 337, 350-51 (1996); *Ann Howard's Apricots Restaurant, Inc. v. Commission on Human Rights & Opportunities*, 237 Conn. 209, 228-29 (1996).

In his prayer for relief, the complainant is requesting damages for back pay in the amount of \$1,575.36 for the period from September 2, 2014, through September 21, 2014.

The credible evidence established that the complainant had intended to conclude his employ with the respondent on September 14, 2014. On or about August 26, 2014, the complainant submitted his resignation to the respondent and intended his resignation to be effective on or about September 14, 2014. The respondent terminated the complainant's employment on September 1, 2014, fourteen days prior to the effective date of the complainant's resignation. Although the complainant seeks a back-pay award through September 21, 2014, the undersigned concludes that complainant is not entitled to an award of back-pay damages beyond the September 14, 2014 end-date of his employment with the respondent pursuant to complainant's resignation notice.

Had his employment not been terminated by the respondent, the complainant would have continued to work for the respondent from September 2, 2014, through September 14, 2014. During that period, the complainant had been scheduled to work for the respondent on nine days, specifically on September 2, 3, 4, 6, 9, 10, 11, 12, and 13, 2014. In addition to his regular work schedule, the complainant worked an average of ten hours per week overtime and earned \$12 per hour in overtime pay. During the period between September 2, 2014, and September 14, 2014, the complainant would have worked twenty hours overtime. The complainant earned a regular salary of \$480 per week, working forty hours per week earning \$12 per hour, for an average wage of \$96 per day. As a result of his termination, between September 2, 2014, and the September 14, 2014 end-date of his two-week notice-of-resignation period, complainant was deprived of nine days of regular full-time pay at \$96 per day, totaling \$864. He also was deprived of twenty hours of overtime pay at \$12 per hour, totaling \$240 overtime, for a combined total of \$1,104 in lost back pay.

After the respondent discharged him, the complainant mitigated his damages by immediately contacting his new employers at Quench Café to inform them that he could start work on September 1, 2014, fourteen days earlier than he had previously planned. During the first three weeks of his employment at Quench Café and until September 21, 2014, the complainant worked part-time, ten and one-half hours per week. He earned gross pay of \$136.50 per week, for net pay of \$124.32 per week after deductions. The mitigation amount of \$136.50 per week for the period between September 2, 2014, and September 14, 2014, totals \$273.

Based on the evidence, the complainant is awarded \$1,104 in lost back pay as a result of the termination of his employment on September 1, 2014, minus his mitigation of \$273, for a total back pay award of \$831. The \$1,104 back-pay award includes \$864 in regular pay plus \$240 in overtime pay complainant would have earned from respondent during the period from September 2, 2014, and September 14, 2014. The mitigation amount includes \$136.50 per week for two weeks, totally \$273 in wages complainant earned from Quench Café.

## **B** **Emotional Distress**

This tribunal has the authority to award the remedies available under General Statutes § 46a-86 (a) and (c), which include emotional distress damages for violations of § 46a-58 (a). *Commission on Human Rights & Opportunities v. Board of Education of the Town of Cheshire*, 270 Conn. 665, 685 et seq. (2004); *Commission on Human Rights & Opportunities ex rel. Bentley-Meunier v. DEKK Group dba Dunkin Donuts*, 2012 WL 3195073, 5; *Commission on Human Rights & Opportunities ex rel. Crebase v. Proctor & Gamble*, CHRO Case No. 0330171 (July 12, 2006); *Commission on Human Rights & Opportunities ex rel. Peoples v. Belinsky*, 1988 WL 492460, 5.

The complaint alleged that the specific law of the United States that the respondent violated is Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-2, when it terminated his employment on the basis of his race and his color. Because race and color are enumerated in General Statutes § 46a-58 (a) as protected classes, the respondent's violation of Title VII, as enforced through Section 46a-58 (a); *Trimachi v. Connecticut Workers Compensation Committee*, 2000 WL 872451, (Conn. Super. June 14, 2000);<sup>4</sup> entitles the complainant and the commission to the remedies available under General Statutes § 46a-86 (c), which include compensation for emotional distress. *Commission v. Board of Education of the Town of Cheshire*, supra; *Commission ex rel. Bentley-Meunier v. DEKK Group dba Dunkin Donuts*, supra, 5-6. Awards of damages for emotional distress pursuant to our anti-discrimination statutes must be limited to compensatory, as opposed to punitive, amounts. *Chestnut Realty, Inc. v. Commission on Human Rights & Opportunities*, 201 Conn. 350, 366 (1986).

Emotional distress damages will be awarded if the complainant has met the necessary elements of an emotional distress claim. "Criteria to be considered in awarding emotional distress damages include: (1) the subjective internal emotional reaction of the complainant to the discriminatory experience, (2) whether the discrimination occurred in front of other people, (3) the degree of offensiveness of the discrimination, and (4) the impact on the complainant. *Commission on Human Rights & Opportunities ex rel. Phan v. Hartford Police Department*, 2015 WL 1530312, 18; *Commission ex rel. Mohammed v. Norwalk Economic Opportunity Now, Inc.*, 2014 WL 7777667, 3; *Commission on Human Rights & Opportunities ex rel. Crispin v. SY Management*, 2011 WL 2196507, 7.

"Garden-variety" emotional distress claims are distinguished from those claims in which the claimant has placed his or her mental health at issue and arise from the type of emotional injury that would

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<sup>4</sup> In *Trimachi*, the court determined that "General Statutes § 46a-58(a) has expressly converted a violation of federal antidiscrimination laws into a violation of Connecticut antidiscrimination laws." The superior court thus has determined that federal antidiscrimination laws are, in fact, encompassed by Section 46a-58(a).

ordinarily result from the alleged unlawful conduct. *In re Sims*, 534 F. 3<sup>rd</sup> 117, 125 (2<sup>nd</sup> Cir. 2008); *Commission ex rel. Punzalan v. Zheng Trust LLC dba Koto Japanese Restaurant*, supra, 5.

The complainant's subjective emotional reaction is the most important consideration in calculating garden-variety emotional distress damages. *Commission on Human Rights & Opportunities ex rel. Thomas v. Mills*, CHRO Case No. 9510408, 7 (August 5, 1998). "That damages may be difficult to assess is, in itself, insufficient reason for refusing to award them once the right to damages has been established." *Griffin v. Nationwide Moving & Storage Co.*, 187 Conn. 405, 420 (1982); *Commission on Human Rights & Opportunities ex rel. Hartling v. Carfi*, 2006 WL 4753467, 6.

"In garden-variety emotional distress claims the evidence of suffering comes mainly from the testimony of the witness," *Commission ex rel. Phan v. Hartford Police Department*, supra, 18, citing *Patino v. Birken Manufacturing Co.*, 304 Conn. 679 (2012). At the public hearing, complainant testified unguardedly as to the emotional ramifications of the incidents that are the subject of this action. He testified that he was humiliated and suffered pain and embarrassment as a result of being singled out by the respondent for disparate treatment from similarly situated co-workers, who were white, and questioned by police at work in the presence of co-workers and the respondent's owner/manager as a suspect in the theft of a customer's pocketbook. The complainant testified that he felt his termination by the respondent was racially motivated and that he was racially profiled because of his race and skin color when he was identified for questioning by the police. The complainant testified that immediately after the discriminatory actions complained of, he sought psychiatric treatment, had nightmares, felt that he was not able to be a father to his children, and lost trust in people. Complainant testified that, as of the public hearing date, he continues to meet with a psychiatrist once a week for counseling and continues to be on two medications. Complainant testified that after leaving his employment at Quench Café on January 9, 2015, he was unable to seek other employment because of the emotional distress he suffered as a result of the respondent's discriminatory actions. During his testimony, the complainant began to cry on the witness stand when he described how he felt after he was discriminated against and terminated by the respondent.

The complainant's prayer for relief includes emotional distress damages in the amount of \$20,000. On the basis of the evidence before this tribunal, the complainant established facts meeting the threshold requirements for an award of damages against the respondent for emotional distress caused by its acts of discrimination. The credible testimony of the complainant demonstrates that respondent's discriminatory actions profoundly distressed the complainant, prompted him to seek psychiatric counseling immediately, and interfered with his ability to work. The experience of being mis-identified for questioning as a suspect by the police in front of other co-workers at work was public in its nature and caused complainant to suffer pain, humiliation, and embarrassment, thus justifying a higher award for emotional distress; *Commission ex rel. Crispin v. SY Management*, supra, 8; *Commission on Human Rights & Opportunities ex rel. Taranto v. Big Enough*, 2006 WL 4753475, 12.

Public policy requires that employers who engage in illegal discriminatory actions be held accountable for their conduct. As our Supreme Court has observed, "the victim of a discriminatory practice is to be accorded his rightful place in the employment scheme, that is, he has a right to be restored to the position he would have been absent the unlawful discrimination ... Where prohibited discrimination is involved, the hearing officer has not only the power but the duty to render a decree which will, so far as possible, eliminate the discriminatory effects of the past as well as bar like discrimination in the future." (Citations omitted; internal quotations omitted). *State of Connecticut v. Commission on Human Rights & Opportunities*, supra; *Commission ex rel. Peoples v. Belinsky*, supra, 6; *Thames Talent, Ltd. v. Commission*

on *Human Rights & Opportunities*, supra, 145; *Commission on Human Rights & Opportunities v. Truelove & Maclean, Inc.*, supra, 350 (1996).

Applying the criteria for determining emotional distress damages to the facts of this case, respondent's discriminatory actions warrant damages for the resulting emotional distress suffered by the complainant. Based on a review and analysis of previous emotional distress damage awards ordered by this tribunal;<sup>5</sup> the type of harm suffered by the complainant; and the credibility of the complainant, this tribunal concludes that an award of \$8,000 in emotional distress damages would be reasonable, fair, and appropriate.

### C

#### Prejudgment and Postjudgment Interest

The complainant also has requested both prejudgment and postjudgment interest on any award. General Statutes §§ 46a-68 (b) and 37-3a authorize the human rights referee to award prejudgment and postjudgment interest on the back-pay award, within the discretion of the human rights referee. *Thames Talent Ltd v. CHRO*, supra, 142-144; *Silhouette Optical Ltd. v. Commission on Human Rights & Opportunities*, Superior Court, Docket No. 92-5205 90, 20-21, 2008 WL 7211987, 3-4. The award of interest is a proper component of an award for back pay under § 46a-86 (b) to compensate a person victimized by discrimination who has been deprived of the use of money. *Thames Talent Ltd v. Commission*, supra, 43-44; *Commission ex rel. Bentley-Meunier v. DEKK Group dba Dunkin Donuts*, supra, 4, *Commission ex rel. Taranto v. Big Enough, Inc.*, supra, 9. As part of the award the respondent shall pay prejudgment interest on the back-pay award at the rate of ten percent per annum, compounded annually, from September 1, 2014. The complainant shall calculate such interest and submit his calculations on interest due from the time of injury to the date of judgment. Such calculation shall be submitted within one week from the date of this decision, and, upon approval by the undersigned hearing office, is to become part of the judgment in this case.

#### ORDER OF RELIEF

**Therefore, based on the foregoing the following remedies are hereby Ordered:**

1. The respondent shall cease and desist from all acts of discrimination prohibited under federal and state law and shall provide a nondiscriminatory work environment pursuant to federal and state fair employment practices laws.

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<sup>5</sup> e.g., *Commission on Human Rights & Opportunities ex rel. Phan v. Hartford Police Department*, 2015 WL 1530312; *Commission ex rel. Muhammed v. Norwalk Economic Opportunity NOW, Inc.*, 2014 WL 7777667; *Commission on Human Rights & Opportunities ex rel. Bentley-Meunier v. DEKK Group dba Dunkin Donuts*, 2012 WL 3195073; *Commission on Human Rights & Opportunities ex rel. Crispin v. SY Management*, 2011 WL 2196507; *Commission on Human Rights & Opportunities ex rel. Taranto v. Big Enough, Inc.*, 2006 WL 47534476; *Commission on Human Rights & Opportunities ex rel. Correa v. La Casona Restaurant*, 2008 WL 7211987; *Commission on Human Rights & Opportunities ex rel. Hartling v. Carfi*, 2006 WL 4753467; *Commission on Human Rights & Opportunities ex rel. Aquiar v. Frenzelli*, 2000 WL 35575655; *Commission on Human Rights & Opportunities ex rel. McNeal-Morris v. Gnat*, CHRO Case No. 9950108 (January 4, 2000); *Commission on Human Rights & Opportunities ex rel. Thomas v. Mills*, CHRO Case No. 9510408 (August 5, 1998); *Commission on Human Rights & Opportunities ex rel. Peoples v. Belinsky*, 1988 WL 492460; *Commission on Human Rights & Opportunities ex rel. Harrison v. Greco*, CHRO Case No. 7930433, (June 3, 1985).

2. The respondent shall not retaliate against the complainant.
3. The respondent shall **pay** to the complainant \$831 for back pay calculated as follows:
  - i. Nine days of salary averaging \$96 per day = \$864
  - ii. Plus twenty hours overtime earning \$12 per hour = \$240
  - iii. Minus \$273 earned from Quench Café, working ten and one-half hours per week for two weeks, earning \$13 per hour

The nine days covers the complainant's scheduled work days, during the time period beginning on September 2, 2014, through September 14, 2014.

4. The respondent shall pay to the complainant \$8,000 in emotional distress damages.

It is so ordered this 31<sup>st</sup> day of March 2016.

  
\_\_\_\_\_  
Hon. Elissa T. Wright  
Presiding Human Rights Referee

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