

Pursuant to Rule 4, a(3) the two complaints, Marion Wyatt vs. Diggins & Rose Moving and Storage, #ES-1316-293-169, and Brenda P. Houle vs. Diggins & Rose Moving and Storage, #ES-1315-292-168, have been for the purpose of this Hearing joined.

Respondent is an employer within the definition of NHRS354-A:3(1). Complaints were filed in a timely manner with the New Hampshire Commission for Human Rights and the United States Equal Employment Opportunity Commission, and pursuant to Section 706(c), Title VII of the United States Civil Rights Act of 1964 as amended, were deferred to the New Hampshire Commission for Human Rights on 10/7/75, Docket Numbers TBO6-0827 and TBO6-0828, and copies of the New Hampshire charges of discrimination and EEOC deferral transmittals are now made part of the record.

Sitting Commissioners: Gail F. Paine, Designated Chairman;
Melvin R. Bolden and Walter E. Gibbs.

Appearing for the complaint: Berel Firestone.

Appearing for respondent: Ernest A. Jette, Esquire, of Janielle, Nadeau and Jette, Nashua, New Hampshire.

These proceedings will be conducted in accordance with the Rules of Practice and Procedure of the New Hampshire Commission for Human Rights, a copy of which was received as an enclosure with Notice of Hearing by Ernest A. Jette, Esquire, attorney for the respondent.

Brenda Houle)
Marion Wyatt)
New Hampshire Commission for)
Human Rights)
)
and)
)
Diggins and Rose Moving and)
Storage Company)
)
_____)

DECISION

At Public Hearing, November 22, 1976

In attendance:

Hearing Commissioners: Commissioner Gail F. Paine, Chairperson
Commissioner Melvin R. Bolden
Commissioner Walter E. Gibbs

Pursuant to Rule 4 a (8) of the Rules of Practice and Procedure of the New Hampshire Commission for Human Rights, the two complaints were joined.

Marion Wyatt and Brenda Houle, hereinafter known as the Complainants, were employed by Diggins and Rose Moving and Storage Company, hereinafter known as the Respondent, as "Packers" and job application forms entered as Exhibit A show Complainants applied for that position.

Complainants were aware of the duties and limitations of the "Packer" position when they accepted employment. One of the limitations set down in Respondent's job description was that "Packers" did not make out-of-state trips. However, on one occasion when Complainant Houle was offered an out-of-state trip to Boston, Massachusetts, she refused.

It is the unanimous decision of the Commissioners that the Complainants failed to adhere to Respondent's standard policy of notifying Respondent of absence from work in a timely manner.

Decision/page 2

Further, it is the unanimous decision of the Commissioners that there is not Probable Cause to credit the allegation in the Complainants' charge that the Respondent was in violation of NHRS354-A:8 in that he discriminated because of sex, and the Commission, therefore, overturns the original Finding of Probable Cause and will take no further action in this matter.

Gail F. Paine

Gail F. Paine, Commissioner
N.H. Commission for Human Rights

Docket Numbers
ES-1315-292-168, ES-1316-293-169
TBO6-0828, TBO6-0827

4.19.77

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Marion Wyatt)
New Hampshire Commission for)
Human Rights)
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Gail F. Paine, Commissioner
N.H. Commission for Human Rights