

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

**NEW YORK STATE DIVISION
OF HUMAN RIGHTS**

on the Complaint of

CHANINE PHAIRE,

Complainant,

v.

**THE CITY OF NEW YORK; NYC DEPARTMENT
OF CORRECTIONS,**

Respondent.

**NOTICE OF FINAL
ORDER AFTER HEARING**

Case No. 4607038

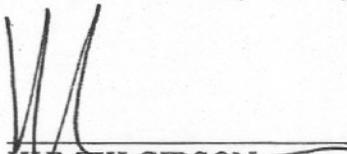
PLEASE TAKE NOTICE that the attached is a true copy of the Recommended Findings of Fact, Opinion and Decision, and Order ("Recommended Order"), issued on April 19, 2007, by Lilliana Estrella-Castillo, an Administrative Law Judge of the New York State Division of Human Rights ("Division"). An opportunity was given to all parties to object to the Recommended Order, and all objections received have been reviewed.

PLEASE BE ADVISED THAT, UPON REVIEW, THE RECOMMENDED ORDER IS HEREBY ADOPTED AND ISSUED BY THE HONORABLE KUMIKI GIBSON, COMMISSIONER, AS THE FINAL ORDER OF THE NEW YORK STATE DIVISION OF HUMAN RIGHTS ("ORDER"). In accordance with the Division's Rules of Practice, a copy of this Order has been filed in the offices maintained by the Division at One Fordham Plaza, 4th Floor, Bronx, New York 10458. The Order may be inspected by any member of the public during the regular office hours of the Division.

PLEASE TAKE FURTHER NOTICE that any party to this proceeding may appeal this Order to the Supreme Court in the County wherein the unlawful discriminatory practice that is

the subject of the Order occurred, or wherein any person required in the Order to cease and desist from an unlawful discriminatory practice, or to take other affirmative action, resides or transacts business, by filing with such Supreme Court of the State a Petition and Notice of Petition, within sixty (60) days after service of this Order. A copy of the Petition and Notice of Petition must also be served on all parties, including the General Counsel, New York State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. Please do not file the original Notice or Petition with the Division.

ADOPTED, ISSUED, AND ORDERED, this 17th day of May, 2007.


KUMIKI GIBSON
COMMISSIONER

TO:

Chanine Phaire
159-30 Harlem River Drive Apt. 8F
New York, NY 10039

City of New York, Department of Correction
Attn: Luis R. Burgos, Esq.
Legal Division, 60 Hudson, Street
New York, NY 10013

City of New York
c/o Corporation Counsel
Law Department
100 Church Street
New York, NY 10007

Jason Bogni, Esq.
City of New York Law Department
100 Church Street
New York, NY 10007

Hon. Andrew Cuomo, Attorney General
Attn: Civil Rights Bureau
120 Broadway
New York, New York 10271

State Division of Human Rights
Caroline J. Downey, Acting General Counsel
One Fordham Plaza, 4th Floor
Bronx, New York 10458

Marilyn Balcacer, Esq., of Counsel
Prosecutions Unit

Sara Toll East
Chief, Litigation and Appeals

Albert Kostelny
Chief, Prosecution Unit

Joshua Zinner
Deputy Commissioner for Enforcement

Peter G. Buchenholz
Adjudication Counsel

Matthew Menes
Adjudication Counsel

Trevor G. Usher
Chief Calendar Clerk

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

**NEW YORK STATE DIVISION OF HUMAN RIGHTS
on the Complaint of**

CHANINE PHAIRE,

Complainant,

v.

**THE CITY OF NEW YORK, NEW YORK CITY
DEPARTMENT OF CORRECTIONS,**

Respondent.

**FINDINGS OF FACT,
OPINION AND DECISION,
AND ORDER**

CASE NO: 4607038

SUMMARY

Complainant, a Muslim female, alleges that Respondent unlawfully discriminated against her when it failed to accommodate her request to pump her breast while on duty in violation of the Human Rights Law. Complainant claims that the denial was because she is a Muslim female, and other females, who are not Muslim, were provided with an accommodation. Complainant made out a prima facie case of discrimination, but failed to meet her burden of proof. Therefore, it is recommended that the complaint be dismissed.

PROCEEDINGS IN THE CASE

On January 15, 2003, Complainant filed a verified complaint with the New York State Division of Human Rights (Division) charging Respondent with an unlawful employment discriminatory practice in violation of New York Executive Law, Article 15 (Human Rights Law).

After investigation, the Division found that it had jurisdiction over the complaint, and that probable cause existed to believe that Respondent had engaged in an unlawful discriminatory practice. The Division thereupon referred the case to public hearing.

After due notice, the case came on for hearing before Lilliana Estrella-Castillo, an Administrative Law Judge of the Division. Public hearing sessions were held on June 29, 2005, through July 1, 2005, and February 15, 2006, through February 16, 2006.

The case in support of the complaint was presented by Gina M. Lopez Summa, then General Counsel of the Division, by Marilyn Balcacer, of counsel. Respondent was represented by the New York City Law Department, Office of Corporation Counsel, by Jason R. Bogni, of counsel.

FINDINGS OF FACT

1. Complainant was hired as a corrections officer on June 1, 2000, by Respondent a municipal agency that operates the New York City prisons (Tr. 94, 97).
2. As a new hire, Complainant was required to serve a two year probationary period, which would be extended as a result of any leave (Tr. 367-368).
3. As a full duty officer, Complainant was assigned on a rotating schedule, which caused her to work different schedules and be assigned to different inmate housing areas (posts) (Tr. 692).
4. Complainant's tour consisted of working four days, with two days off (Tr. 108). Her tour each week started on a different day and time (Tr. 106).
5. Each tour had a steady control room captain assigned, who was responsible for supervising the housing area officers and for providing relief to the officers for meals and personal breaks (Tr. 510, 538, 574-575, 815).
6. Officers received their meal relief on a set schedule, and although officers were entitled to relief every time they asked for it, "realistically it does not happen that way." (Tr. 574-575). With over 800 officers, over thirty posts and "things happening every two seconds"

officers got relief when the control room captains found available staff to provide that relief (Tr. 83, 574-575).

7. In April 2001, Complainant became pregnant, and was placed on medically monitored status, meaning she did not work in inmate areas (Tr. 98-99). During the time Complainant was medically monitored, she worked in areas such as the General Office, the Visit House and the Control Room (Tr. 503-504).

8. As a result of Complainant's pregnancy and medical status, her probation was extended upon her return from maternity leave (Tr. 203, 366-368, 736-737; Complainant Exhibit 4).

9. At the time Complainant was hired by Respondent she was a practicing Muslim (Tr. 92-93).

10. Respondent accommodated Complainant's religious observations by allowing her to wear a head garment while in uniform, and provided her with access to a place to pray during her workday (Complainant is required to pray five times a day) (Tr. 97, 413-414, 558).

11. It is clear from Complainant's testimony and the testimony of Imam Salihou Djabi, who is employed by Respondent as the Muslim Chaplain, that breast feeding is not a requirement of the Muslim faith (Tr. 93-94, 630). According to Djabi, "breast feeding is highly recommended because children should be fed with something wholesome" (Tr. 632).

12. Complainant testified that it was her personal and religious preference to breast feed her children because she believes that breast fed "children are healthier, they are smarter, it bonds the mother to the child." (Tr. 93, 353).

13. It is also plain from the record that Complainant never told anyone that she needed to breast feed because of her religious beliefs (Tr. 75, 612, 660, 662, 680). Complainant

expected that Respondent would know that as a Muslim she was expected to breast feed because “[i]f you look at me you can tell I am Muslim.” However, this is inconsistent with Complainant’s own testimony that her religion does not require that she breast feed (Tr. 344).

14. Complainant returned from maternity leave on June 9, 2002.

15. On July 10, 2002, Complainant informed Deputy Warden of Administration Sandra Langston that she was breast feeding her new born child and expected Respondent to formally accommodate her needs to pump her breasts every two to three hours (Tr. 100, 658, 837-839; Respondent Exhibit S). Up to that point, Complainant had been pumping her breasts in the female locker room by asking for a personal break from the control room captains (Tr. 106, 120-121).

16. Complainant would pump her breast half an hour before her tour, half an hour after her meal break, and a third time during her tour (Tr. 233).

17. Complainant stored her breast milk in the refrigerator located in the general office (Tr. 106, 120-121). The other officers using the refrigerator complained about the breast milk being in the refrigerator with their food (Tr. 79, 121). They felt that the milk would “contaminate” their food because it is considered a bodily fluid (Tr. 121).

18. Complainant then started to use the control room refrigerator, but the officers there started to complain as well, because the refrigerator was too small and her carrying case took up too much space in the refrigerator (Tr. 123).

19. The control room captain tried to get Complainant’s co-workers to work with her but they were adamant that they did not want the breast milk in the refrigerator with their food (Tr. 55, 124).

20. Complainant agreed that the objection to the breast milk was because it was considered "toxic", and not because she is Muslim (Tr. 482).

21. There were other larger refrigerators available, but Complainant did not want to store her breast milk in those refrigerators because too many people had access to them and officers tampered with each others foods (Tr. 40-42).

22. Complainant informed Langston that a steady tour and post at the Visit House would provide her with the accommodation that she needed (Tr. 107, 658, 660).

23. The Visit House is where inmates visit with their families and friends, and is a post usually assigned to senior staff. It is a popular post because the assigned staff works a steady five days, with two days off, and no rotation and less inmate contact (Tr. 701-703). The tour hours are: 1:00 p.m. to 9:00 p.m. on weekdays and 7:00 a.m. to 3:00 p.m. on weekends (Tr. 702). In addition, officers assigned to the Visit House earn five hours of compensatory time per week (Tr. 978).

24. According to Complainant, with this accommodation she would not need to wait for relief from her post to pump her breasts. The post also had a refrigerator and the officers there had not complained that the breast milk would contaminate their food or that she was taking up too much space in the refrigerator (Tr. 106, 109-110).

25. Langston rejected Complainant's request, because at the time of Complainant's request, the Visit House had a full complement of officers and Langston could not add to it (Tr. 658, 799-801).

26. Langston directed Complainant to fill out a medical accommodation form and requested medical documentation regarding the frequency per day and duration of time needed to pump her breasts (Tr. 100-101, 118, 663; Respondent Exhibit O).

27. Complainant submitted her accommodation request on July 24, 2002, seeking “a steady post and tour with immediate access to a refrigerator” (Respondent Exhibit A).

28. Complainant did not indicate to Langston that the accommodation was for religious reasons, and the note provided by Complainant’s child’s pediatrician, which indicates that “it is nutritionally necessary and advantageous for him to be breast fed for at least a year” and the need for Complainant to pump her breast every three hours if not nursing, did not indicate that there was a religious reason for the accommodation, and did not address the other questions raised by Langston (Tr. 346, 670-671; Respondent Exhibit G).

29. After Complainant’s accommodation request was received by Respondent’s EEO office, Complainant was interviewed by telephone by Irma Ozer, Respondent’s EEO disability coordinator (Tr. 261-262, 271, 656).

30. During that telephone conversation, Complainant requested that Ozer send all information regarding this request to her home, but did not inform Ozer that the accommodation she was seeking was because of her religion or because she was not getting relief (Tr. 265, 270-271, 279, 290).

31. Ozer asked the director of Environmental Health, Patricia Ferney, whether the breast milk could be considered toxic or contaminated, and was told that it was not (Tr. 272).

32. Ozer also sought advice from Jill Towns, the head of EEO Citywide Administrative Services regarding Complainant’s accommodation request (Tr. 274). Towns advised Ozer that although Complainant’s accommodation request was not related to pregnancy and it was not a disability, it was a reasonable request that could be accommodated by allowing Complainant to pump milk in a locker room bathroom stall (Tr. 274-275).

33. On August 14, 2002, Ozer informed Complainant, by mail, that her accommodation request was granted (Tr. 276-278; Respondent Exhibit C). Specifically, Complainant was "allowed to express the milk in a private space (such as a bathroom stall in the women's bathroom), and to keep the milk insulated and labeled along with other foods and drinks in a communal refrigerator." (Respondent Exhibit C).

34. Ozer never heard from Complainant again and expressed surprise when Complainant informed her that she never received the August 14, 2002 letter (Tr. 280-282, 285). But, in any event, when Ozer read the letter to her in 2003, Complainant found the accommodation unacceptable (Tr. 285).

35. As a result of Complainant's accommodation request, Langston spoke to the control room captains and told them to give Complainant a "personal" when she requested, so she could pump her breasts (Tr. 678-680, 743).

36. Complainant acknowledged that she received relief, but complained that sometimes she had to wait a long time, and if placed in the Visit House, she would not have to wait for relief (Tr. 210-211, 921-922).

37. Langston also provided Complainant with access to the executive corridor bathroom to pump her breasts. Complainant objected to this location because it was a bathroom. Although this bathroom was used only by the day secretary, had a counter, chair and running water, Complainant insisted that she should have received a key to a private office, which already had a refrigerator and afforded her the privacy that she needed (Tr. 59-60, 115). Complainant would not use the administrative corridor bathroom because she did not consider it sanitary (Tr. 59-60).

38. Complainant continued to pump her breast in the female locker room, an accommodation that the union found acceptable (Tr. 584).

39. Ultimately, the accommodation offered by Respondent was that Complainant would be given a "personal" when she needed to pump her breasts and, at the request of her union delegate, the warden gave Complainant permission to bring a cooler into the facility to store her breast milk to avoid any tampering (Tr. 518, 520, 532, 537, 680, 691).

40. Complainant was also provided with ice for the cooler (Tr. 691).

41. Complainant did not find this accommodation acceptable and applied for a Hardship Tour explaining that the different tours were affecting her milk production (Tr. 201; Complainant Exhibit 5).

42. Complainant did not indicate in the form that she was seeking a religious accommodation (Tr. 349-350; Complainant Exhibit 5).

43. Complainant explained that the accommodation would give her the flexibility to go off post without having to wait for relief (Tr. 369, 372, 456-457, 738). This however, is not accurate because regardless of the post assigned, an officer cannot simply walk off her post without letting a supervisor know (Tr. 72-74).

44. A Hardship Tour is usually used by officers when they are in school and need to study for finals, or when they are going through a divorce or have babysitting issues (Tr. 435, 841). It gives them an opportunity to deviate from their standard tour or schedule for a given period of time (Tr. 656, 840). It is usually 30 days, but may, depending on the circumstances, be extended (Tr. 841).

45. Complainant had in the past applied for and been granted a Hardship Tour, and two 30 day extensions (Tr. 435; Respondent Exhibits J, K and L).

46. The Hardship Tour that Complainant was now requesting was not for a steady tour, which is what a Hardship Tour is, but rather, for a steady post in the Visit House (Tr. 209, 842-843; Complainant Exhibit 5, Respondent Exhibit Q).

47. In 2002, the procedure for requesting a different post or tour required that a position be vacant and posted (Tr. 654). Members of Respondent's staff would bid on the position posted, and the position would be awarded based on factors, such as, seniority, job performance and qualifications for the position (Tr. 655). Complainant was aware of this procedure (Tr. 71, 81-82, 380-382, 655).

48. Langston denied Complainant's request because it was not for a tour change and because "a steady tour and post are not required for her to express milk." (Tr. 202, 210, 657, 699-700, 740-742).

49. When Complainant did not get the specific accommodation that she sought, she filed an internal EEO complaint alleging gender discrimination (Tr. 346, 349; Complainant Exhibits 2 and 3). Although she did not tell anyone that she filed the complaint, and Respondent denies that it received the complaint, Complainant alleges that co-workers started to retaliate against her (Tr. 171).

50. Complainant heard other female officers make comments and make "moo" sounds in the locker room and during roll call (Tr. 131-132, 133-134).

51. When Complainant's name was called some officers would make "moo" sounds, and others would laugh (Tr. 134-135).

52. Complainant alleges that in August 2002, a picture of a cow with a head piece was taped to Complainant's locker, with the words "Fair got milk" (Tr. 164).

53. Complainant complained to Respondent about the picture, but did not produce the picture to show Respondent, and Respondent told her that without proof there was nothing they could do (Tr. 170, 175).

54. Complainant also alleges that she was marked absent without leave (AWOL), when she was on bereavement leave. Complainant's tour commander approved the leave and marked the schedule (Tr. 212-214). However, both, Complainant and the tour commander were mistaken, because the tour commander did not have the authority to approve more than one day personal emergency leave (Tr. 713-714). When the tour commander explained that he mistakenly approved the leave, Complainant was not marked AWOL and the situation was rectified (Tr. 214, 217).

55. Complainant agreed that there were no AWOL charges brought against her by Respondent (Tr. 471-472).

56. In August 2002, the contents of Complainant's locker were wet and damaged. She felt that it was an act of vandalism directed at her because she was breast feeding (Tr. 30, 37-38, 185-186, 190-191).

57. Complainant complained to Respondent and to her union, and again she was told that since she did not know who did it or when it happened, there was nothing they could do (Tr. 135-136, 169, 186-187, 354).

58. Complainant replaced her uniforms with her uniform allowance. Her wool coat, which was damaged, was replaced free of charge by the retailer (Tr. 187-189).

59. Although Complainant felt that it was an act directed at her, she also testified that no one knew which was her locker (Tr. 190-191).

60. Vandalism of lockers is an ongoing problem at Respondent's facility, with as many as thirty lockers being vandalized at one time (Tr. 40, 44).

61. Complainant found Respondent's reaction to her complaints "ridiculous" (Tr. 219-220, 135-136, 240). She insists that Respondent was condoning the behavior of her co-workers, by continually asking her to identify the persons responsible (Tr. 219).

62. Complainant alleges further retaliation because she requested a transfer out of the facility, and it was denied (Tr. 136, 229-231; Complainant Exhibit 6).

63. Complainant's transfer request, which states that she was seeking a facility closer to home, was denied because she was on extended probation. Complainant acknowledged that it was a valid justification, but felt that she should have been treated differently because her probation was extended for maternity leave and not because of performance issues (Tr. 232).

64. Complainant did not provide any evidence that Respondent distinguished between probation based on performance or based on leave when it made transfer decisions.

65. When Complainant's probation was over she was allowed to transfer out of the facility.

66. Complainant identified Patricia Ildefonso, who is not Muslim, as being accommodated by Respondent when she needed to pump her breast (Tr. 167).

67. Complainant alleges that as an accommodation, Ildefonso was transferred to the academy while she was breast feeding (Tr. 165, 167, 364-365).

68. Ildefonso acknowledged that she was transferred to the academy while she was pregnant, but not after she was back on full duty. Ildefonso credibly testified that she has three children, and gave birth to two of them while employed by Respondent (Tr. 879-886).

69. Ildefonso nursed all of her children, but by the time she returned to work she was no longer nursing, and therefore did not have the need to pump her breasts during her tours (Tr. 879-886).

70. Ildefonso denied that she ever told Complainant that she was accommodated while breast feeding (Tr. 888-889).

71. By February 2003, Complainant's son was thirteen months old, and according to Complainant, any accommodation offered by Respondent would have been "too little, too late" (Tr. 244, 360, 943).

72. After her complaint to the Division, Respondent placed a small refrigerator in the executive corridor bathroom, which contained a counter top, chair, sink with running water and two stalls (Tr. 686-688). Complainant again, refused the accommodation because it was in a bathroom (Tr. 688).

OPINION AND DECISION

It is unlawful discrimination for an employer to discriminate against an employee "in compensation or in terms, conditions or privileges of employment" based on the employee's religion (N.Y. Exec. Law, Article 15 [Human Rights Law] § 296 [1] [a]). An employer may not "impose upon a person as a condition of obtaining or retaining employment, . . . any terms or conditions that would require such person to violate or forego a sincerely held practice of his or her religion . . ." (Human Rights Law § 296 [10] [a]). Also, an employer may not retaliate against any employee "because he has opposed any practices forbidden under this article or because he filed a complaint . . . under this article" (Human Rights Law § 296 [1] [e]).

The law is clear that “while an employer must accommodate an employee’s observance of the Sabbath, there is no duty to accommodate general religious practices.” *Engstrom v. Kinney System, Inc.*, 241 A.D.2d 420, 422, 661 N.Y.S.2d 610, 613 (1st Dept. 1997), *leave to appeal denied* 91 N.Y.S.2D 801, 666 N.Y.S.2d 563. *See also, Eastern Greyhound Lines Division of Greyhound Lines, Inc. v. New York State Division of Human Rights*, 27 N.Y.S.2d 279, 283-284 (1970).

It is clear from the record that breast feeding is not a religious practice or a religious requirement. It is also clear that Complainant never informed Respondent that the accommodation that she was seeking was for religious reasons, something that the courts have held “can be fatal to the right of an employee to have his beliefs accommodated.” *State Division of Human Rights (Campbell), v. Rochester Products Division of General Motors Corporation*, 112 A.D.2d 785, 786, 492 N.Y.S.2d 282, 283 (4th Dept. 1985). It also became abundantly clear that Complainant knew at the time that she filed the complaint that breast feeding was not a religious requirement of Islam. This refutes her claim that breast feeding was a sincerely held practice of her religion.

But, even if breast feeding was a sincerely held practice of her religion, Respondent did not impose upon her, as a condition of retaining employment, that she violate or forego a sincerely held practice of her religion. *See, Larson v. Albany Medical Center*, 252 A.D.2d936, 676 N.Y.S.2d 293 (3RD Dept. 1998). On the contrary, Respondent accommodated Complainant’s religion; Complainant had the opportunity to pray while she was on duty, and to wear a head garment while in uniform. And, when Complainant told Respondent that she needed an accommodation because she was breast feeding, Respondent allowed her to take a personal break to pump her breasts while she was on duty, and allowed her an extra half hour after her meal to

pump her breasts. When storing the breast milk became a problem, Respondent allowed Complainant to bring a cooler into the facility to store her breast milk and provided ice for her use. Respondent provided Complainant with an accommodation that would not interfere with the daily operations of the prison. This is not unreasonable or discriminatory. *See, Landor-St. Gelais v. Albany International Corporation.*, 307 A.D.2d 671, 763 N.Y.S.2d 369 (2003), (wherein the Court of Appeals held that where an employer implemented a lactation policy that imposed reasonable parameters around where and when a nursing mother may pump milk is not discriminatory).

Now, even if Complainant informed Respondent that the accommodation that she was seeking was for religious reasons, which she did not, her claim would still be dismissed. Although Complainant is entitled to an accommodation for her religious beliefs Complainant is not entitled to the specific accommodation that she "requests or prefers." *See, Gile v. United Airlines, Inc.*, 95 F.3d 492, 499 (7th Cir. 1996). Complainant insists that she was unlawfully discriminated against because Respondent did not provide the accommodation that she wanted, namely, a steady post and steady tour in the Visit House. However, Complainant did not prove that she was entitled to an accommodation which would have provided her with greater benefits than she was entitled to receive. Moreover, when Complainant asked to have her needs accommodated, Respondent responded by allowing Complainant to take personal breaks during her tour to pump her breasts, and she was allowed to bring a cooler into the facility to store her breast milk.

Complainant asserts that Respondent allowed her co-workers to create a hostile work environment. While it is true that Complainant's co-workers were making "moo" sounds and laughing, Complainant could not, or would not identify who they were. Complainant testified

that it was "ridiculous" for Respondent to constantly ask her to identify the persons responsible, and yet, she wanted Respondent to reprimand the very same officers that she could not, or would not, identify. I find that it is not reasonable for Complainant to complain to Respondent and then refuse to provide Respondent with the identity of the co-workers who were responsible for the behavior that she was complaining about.

Complainant's additional complaint that she was marked absent without permission, after she received permission from the tour commander, as retaliation, is also without merit. "A prima facie case of retaliation requires evidence of a subjective retaliatory motive" for the adverse employment action. *Pace University v. New York City Commission on Human Rights*, 85 N.Y.2d 125, 128. Complainant was granted bereavement leave by a tour commander who did not have the authority to grant the leave, and when it was clarified that those were the facts, Complainant was not marked AWOL, and did not suffer any repercussions.

Complainant also alleged that Respondent discriminated against her based on her sex. However, Complainant's claim fails because she did not suffer any adverse employment. *See, Bond v. Sterling, Inc. and Kay Jewelers, Inc.*, 997 F.Supp. 306, 308 (N.D.N.Y. 1998) where the courts' broad interpretation of the Human Rights Law protects a woman from pregnancy related discrimination "before, during, and after the pregnancy." *See, also, Diaz Chemical Corp. v. New York State Division of Human Rights*, 237 A.D.2d 932, 654 N.Y.S.2d 907 (4th Dept. 1997).

Finally, Complainant failed to substantiate her allegation that other females who were not Muslim were accommodated by Respondent. Complainant alleged that Respondent transferred Ildefonso to the academy to accommodate her need to pump her breasts. However, Ildefonso was no longer breast feeding when she returned to work full duty. Therefore, she did not require, nor did she receive an accommodation by Respondent.

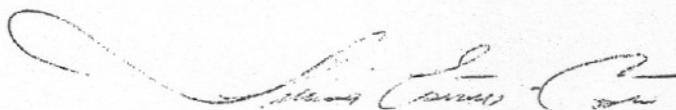
ORDER

Based on the foregoing Findings of Fact, Opinion and Decision, and pursuant to the provisions of the Human Rights Law and the Division's Rules of Practice, it is hereby

ORDERED, that the complaint be, and hereby is dismissed.

Dated: April 19, 2007
Bronx, New York

STATE DIVISION OF HUMAN RIGHTS



Lilliana Estrella-Castillo
Administrative Law Judge