

**STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
OFFICE OF PUBLIC HEARINGS**

Commission on Human Rights
and Opportunities ex rel.
Holly Blinkoff

: CHRO No. 9530406

v.

City of Torrington, et. al.

: July 17, 2007

Ruling re: the respondent's motion to dismiss

By an amended memorandum filed on July 13, 2007, the respondent (1) moves to dismiss the complaint; and, in the alternative, (2) moves for an order compelling the commission and the complainant to produce documents responsive to its earlier request for production of documents; and (3) moves for an order excluding, as time barred, claims relating to events that occurred more than 180 days prior to the filing of the complainant's November 19, 1996 amendment.

Because of the pending motions to compel filed by the commission and the complainant as well as the respondent and because of the impending filing date for the witness and exhibit lists, the undersigned will address the respondent's motion to dismiss at this time. The issuance of this ruling does not preclude the commission and the complainant from filing any responses they may have to the respondent's motion to

dismiss and its motion to exclude claims as time barred. Rulings on the parties' motions to compel will be forthcoming.

In its motion to dismiss, the respondent argues that the commission does not have subject matter jurisdiction to adjudicate this complaint because General Statutes § 46a-60 (a) (4) only proscribes retaliation against an employee by an employer, and the complainant and the respondent were never in an employment relationship. Amended memorandum, pp. 4-6. The respondent misrepresents § 46a-60(a) (4).

Section 46a-60 provides in relevant part: "(a) It shall be a discriminatory practice in violation of this section: . . . (4) For any person, employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because such person has opposed any discriminatory employment practice or because such person has filed a complaint or testified or assisted in any proceeding under section 46a-82, 46a-83 or 46a-84" (Emphasis added.)¹ Clearly from the plain language of the statute, a claim for retaliation can arise either from an employment relationship or from the filing of a complaint with the commission.

In this case, the complainant filed a complaint with the commission on January 20, 1995. She filed an amendment to her complaint on September 9, 1996 that included allegations of adverse actions taken against her by the respondent subsequent to the

¹ "Person' means one or more individuals, partnerships, associations, corporations, limited liability companies, legal representatives, trustees, trustees in bankruptcy, receivers and the state and all political subdivisions and agencies thereof[.]" General Statutes § 46a-51 (14).

filing of her complaint. She filed another amendment on November 19, 1996 that included the adoption of the allegations of her complaint and prior amendment and the addition of § 46a-60 (a) (4) as a statutory violation. As the complainant has adequately pled that the respondent discriminated against her because of the filing of a complaint, the respondent's motion to dismiss for lack of subject matter jurisdiction is denied.

Hon. Jon P. FitzGerald
Presiding Human Rights Referee

C:
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