

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

STEPHEN L. SOFFER,
Complainant

v.

BROWN TRANSPORT CORPORATION,
Respondent

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Docket No. E-30889-D

STIPULATIONS
FINDINGS OF FACT
CONCLUSIONS OF LAW
OPINION
RECOMMENDATION OF HEARING EXAMINER
FINAL ORDER

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA HUMAN RELATIONS COMMISSION

STEPHEN L. SOFFER, :
 Complainant :
 :
 v. :
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 :
BROWN TRANSPORT CORPORATION, :
 Respondent :

Docket No. E-30889-D

STIPULATIONS

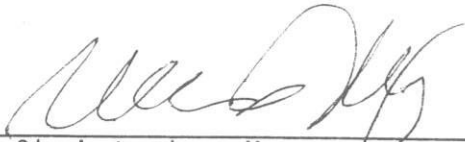
The following facts are admitted by the parties and no further proof thereof shall be required:

1. Brown Transport Corporation ("Respondent") is a person employing four or more persons within the Commonwealth of Pennsylvania.
2. Stephen L. Soffer ("Complainant") is an individual of the Jewish religion.
3. Respondent hired Complainant on April 9, 1981 as an operations supervisor.
4. At the time of hiring, Respondent was aware of Complainant's religion.
5. Complainant requested and received days off on various Jewish holidays during the course of his employment with Respondent.
6. During Complainant's employment with Respondent, Respondent at times printed Bible quotations from the New and Old Testament on payroll checks distributed to employees, including Complainant.

7. On June 7, 1982, Complainant received a pay increase of fifty dollars (\$50) per week.
8. On April 11, 1983, Complainant received a pay increase of twenty-five dollars (\$25) per week.
9. On April 30, 1984, Complainant received a pay increase of thirty-five dollars (\$35) per week raising his salary to \$460 per week.
10. On June 29, 1984 Respondent discharged Complainant.
11. On September 25, 1984, Complainant made, signed and filed with the Pennsylvania Human Relations Commission a written verified complaint.
12. On or about December 20, 1984 Respondent submitted a statement of its position in response to the complaint in which it denied discriminating against Complainant on the basis of his religion.
13. The complaint was amended on December 31, 1984 and was served upon Respondent on or about January 30, 1985.
14. After investigation, the Pennsylvania Human Relations Commission determined that probable cause existed for crediting the allegations of the complaint and notified Respondent of this finding in correspondence dated April 8, 1986.

15. Conciliation efforts have failed.

16. The Pennsylvania Human Relations Commission approved this matter for public hearing. The parties were notified of this action by letter dated May 4, 1987 from Homer C. Floyd, Executive Director.



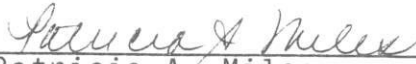
N. Christopher Menges
Attorney for Complainant

Dated 3-1-89



Walter O. Lambeth, Jr.
Attorney for Respondent

Dated 2/24/89



Patricia A. Miles
Attorney for Commission in Support of the Complaint

February 21, 1989
Dated

FINDINGS OF FACT*

1. In 1946, Claude Brown, (hereinafter "Brown") founded the motor carrier company that is now Brown Transport Corporation, (hereinafter "BTC"). (C.E. 3)
2. By 1984, BTC had grown from a small motor carrier company operating in Georgia, to an independently owned motor carrier operation servicing the contiguous 48 states. (C.E. 3)
3. In 1984, BTC had 69 full service truck terminals throughout the United States. (C.E. 3)
4. BTC's York Pennsylvania terminal generally operated Monday through Friday and not only received freight for delivery to but also picked up freight for shipment from companies in the York terminal service area which included the Lancaster, Harrisburg, Camp Hill, Mechanicsburg, Hanover, Gettysburg, and, of course, York areas. (N.T. 56, 223, 225, 233)
5. On April 9, 1981, BTC hired the Complainant, Stephen L. Soffer, (hereinafter "Soffer"), as the York terminal night operations supervisor. (N.T. 56, S.F. 3)

* The foregoing "Stipulations" are hereby incorporated herein as if fully set forth. To the extent that the Opinion which follows develops 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:

N.T. Notes of Testimony
S.F. Stipulations
C.E. Complainant's Exhibit
R.E. Respondent's Exhibit