

COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE  
PENNSYLVANIA HUMAN RELATIONS COMMISSION

HERMAN HERRING,  
Complainant

v,

TRIPLE B EQUIPMENT SERVICES, LLC,  
Respondent

:  
:  
:  
: PHRC CASE NO. 200605626  
: EEOC Charge No. 17F200761719  
:  
:  
:

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

## FINDINGS OF FACT\*

1. On or about March 21, 2007, Complainant, Herman Herring, (hereinafter "Herring"), filed a PHRC Complaint against Triple B Equipment Services, LLC, (hereinafter "Triple B"), in which Herring alleged that Triple B terminated him from his position as a Mechanic because of Herring's age, 72 years old.  
(O.D. 1)
  2. Under cover letter dated April 28, 2008, the PHRC's Philadelphia regional office filed a Petition for a Rule to Show Cause. (O.D. 1)
  3. On May 1, 2008, PHRC Motions Commissioner Daniel L. Woodall, Jr. issued a Rule to Show Cause which, in effect, notified Triple B that it had until June 2, 2008 to file an answer to Herring's complaint. (O.D. 2)
  4. Upon receipt of information that Triple B was not located at the address used to serve the May 1, 2008 Rule to Show Cause, on June 2, 2008, a second Rule to Show Cause was issued advising Triple B that it had until July 2, 2008 to file an answer to Herring's complaint. (O.D. 3)
  5. Triple B neither filed an answer to Herring's complaint nor responded to the June 2, 2008, Rule to Show Cause. (O.D. 4)
  6. On July 8, 2008, Motions Commissioner Woodall recommended to the full PHRC that Triple B be found liable for Herring's allegation. (O.D. 4)
- To the extent that the Opinion which follows recites facts in addition to those here listed, such facts shall be considered to be additional Findings of Facts. The following abbreviations will be utilized throughout these Findings of Fact for reference purposes:

N.T. Notes of Testimony  
O.D. Official Docket  
C.E. Complainant's Exhibit

7. By Order dated July 21, 2008, the PHRC found Triple B liable for terminating Herring because of his age. (O.D. 4)
8. A public hearing on the issue of what, if any, damages are appropriate was held on February 13, 2009, in Bristol, Pennsylvania.
9. Herring worked for Triple B as a Mechanic for approximately 25 years. (N.T. 12)
10. Herring earned approximately \$37,000.00 per year when employed by Triple B. (N.T. 18-19)
11. Additionally, Triple B provided Herring with a yearly bonus equal to one week's salary. (N.T. 18-19)
12. At no cost to Herring, Triple B also provided medical benefits to Herring for himself and his wife. (N.T. 18-19)
13. On January 17, 2007, Triple B terminated Herring. (N.T. 12)
14. Soon after his termination, Herring began seeking other employment. (N.T. 13)
15. Herring initially attempted to find alternate employment by calling other companies he knew did similar work to the work he performed with Triple B. (N.T. 13)
16. Eventually, Herring formed the impression that there were no openings for positions similar to the work he had done for Triple B. (N.T. 14)
17. At that point, Herring began to look for employment in other fields of work. (N.T. 14)
18. In June 2007, Herring applied to be a bus driver with Laidlaw Transit, Inc. (N.T. 14; C.E. 2)