

COMMONWEALTH OF PENNSYLVANIA

GOVERNOR'S OFFICE

PENNSYLVANIA HUMAN RELATIONS COMMISSION

PAUL HOLMES,	:	
Complainant	:	
	:	
v,	:	PHRC CASE NO. 200704095
	:	EEOC Charge No. 17F200861226
FURNITURE SURPLUS, a/k/a	:	
FURNITURE SIR PLUS,	:	
Respondent	:	

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

FINDINGS OF FACT*

1. On or about March 17, 2006, Complainant, Paul Holmes, (hereinafter "Holmes"), filed a PHRC Complaint against Furniture Surplus, in which Holmes alleged that he was terminated because of his race, African American. (O.D. 1).
 2. Under cover letter date October 20, 2008, the PHRC's Philadelphia regional office filed a Petition for Rule to Show Cause. (O.D. 2).
 3. On October 23, 2008, PHRC Motions Commissioner Daniel L. Woodall, Jr., issued a Rule to Show Cause which, in effect, notified Furniture Surplus that it had until November 24, 2008 to file a properly verified answer to Holmes' complaint. (O.D. 3).
 4. Furniture Surplus did not file an answer. (N.T. 11, 16).
 5. On January 30, 2009, Motions Commissioner Woodall recommended to the full PHRC that Furniture Surplus be found liable for Holmes' allegation. (O.D. 5).
 6. By Order dated February 23, 2009, the PHRC found Furniture Surplus liable for terminating Holmes because of his race, African American. (O.D. 5).
 7. A public hearing on the issue of what, if any, damages are appropriate was held on August 18, 2009 in Philadelphia, Pennsylvania.
- 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:

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

8. Holmes began working for Furniture Surplus as a helper in November 2007. (N.T. 19).
9. Holmes' wages were \$10.00 per hour. (N.T. 19).
10. Holmes was terminated on January 24, 2008. (N.T. 23).
11. During the period from January 1, 2008 through January 24, 2008, Holmes earned \$1,400.00 as an employee of Furniture Surplus (C.E. 2)..
12. After being terminated by Furniture Surplus, Holmes began working approximately 32 hours per week with Labor Ready, a day labor assignment agency where he earned approximately \$6.50 per hour. (N.T. 24, 25, 27).
13. In late October 2008, Holmes was assigned to Victory Cab Company where he began to earn more than the amount he would have earned with Furniture Surplus. (N.T. 27, 28).
14. Holmes' assignment to Victory Cab Company has been permanent as he continues to work there. (N.T. 28).
15. Holmes incurred travel-expenses in the amount of \$100.00 associated with his pursuit of his PHRC claim. (N.T. 32).
16. Holmes does not seek reinstatement. (N.T. 30).