

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION

FRANCES SELLECCHIA, Complainant	:	PHRC CASE NO. 200503293
	:	
and	:	
	:	
AMY RICHARDS, Complainant	:	PHRC CASE NO. 200503295
	:	
v.	:	
	:	
BALLY'S PIZZA PLACE, Respondent	:	

FINDINGS OF FACT

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF PERMANENT HEARING EXAMINER

FINAL ORDER

FINDINGS OF FACT *

1. The Complainants herein are Frances Sellecchia (hereinafter "Sellecchia"), an adult who resides at 1367 Sanger Street, Philadelphia, PA (N.T. 14) and Amy Richards, (hereinafter "Richards"), an adult who resides at 4259 Ormond Street, Philadelphia, PA (N.T. 22).
2. The Respondent herein is Bally's Pizza Place (hereinafter "Bally's").
3. Sellecchia was hired by Bally's in April 2005. (N.T. 15).
4. June 19, 2005, was Sellecchia's last day of employment with Bally's. (N.T. 15).
5. Sellecchia's rate of pay at Bally's was \$7.50 per hour. (N.T. 16).
6. On average, *Sellecchia worked for Bally's 60 hours a week.* (N.T. 16).
7. Approximately 3 weeks after being constructively terminated from Bally's, Sellecchia began working at New Oxford Pizza. (N.T. 16).
8. Sellecchia only worked four or five days for New Oxford Pizza. (N.T. 18).
9. The owner of New Oxford Pizza knew Bally's owner and when New Oxford Pizza's owner learned why Sellecchia left Bally's, Sellecchia was asked to leave New Oxford Pizza. (N.T. 17).
10. While an employee of New Oxford Pizza, Sellecchia earned \$7.50 per hour and worked 8 to 10 hours a day. (N.T. 17).
11. In March 2006, Sellecchia applied for social security disability. (N.T. 18).

* 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 Fact. The following abbreviations will be utilized throughout these Findings of Fact for reference purposes:

N.T. Notes of Testimony
C.E. Complainant's Exhibit

12. Sellecchia testified that she was unable to work at all due to her disability. (N.T. 20-21).
13. Sellecchia incurred travel expenses in the form of a parking meter expense in connection with pursuit of her PHRC claim. (N.T. 19).
14. Sellecchia testified that she does not seek reinstatement to Bally's. (N.T. 19).
15. Further, Sellecchia does not seek front pay. (N.T. 28).
16. Richards was hired by Bally's on or about June 1, 2005. (N.T. 23).
17. June 17, 2005 was Richards last day of employment with Bally's. (N.T. 23).
18. Richards' rate of pay at Bally's was \$7.00 per hour. (N.T. 23).
19. On average, Richards worked 50 hours per week at Bally's. (N.T. 23).
20. After being constructively terminated from Bally's, Richards worked for approximately three weeks for Yellow Cab. (N.T. 24).
21. Richards worked 40 hours a week at Yellow Cab and earned \$7.50 per hour. (N.T. 24-25).
22. On October 2, 2005, Richards began working for Toys "R" Us where she earned \$6.50 per hour. (N.T. 24).
23. Richards worked 30 to 40 hours per week at Toys "R" Us. (N.T. 25).
24. On January 14, 2006, Richards went on maternity leave. (N.T. 25).
25. On February 26, 2006, Richards gave birth to her son. (N.T. 27).
26. After February 26, 2006, Richards did not look for work, but elected to begin an educational program on August 15, 2006. (N.T. 25-26).
27. On July 2, 2007, Richards found a job as a medical assistant with Complete Women's Care where she works 37 ½ hours a week at the rate of \$10.50 per hour. (N.T. 27-28).

28. Like Sellecchia, Richards does not seek either reinstatement or front pay. (N.T. 27-28).

29. Richards incurred a car fare expense of \$10.50 in connection with her pursuit of her PHRC claim. (N.T. 27).