

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE
PENNSYLVANIA HUMAN RELATIONS COMMISSION**

Kathleen Giberson,	:	
Complainant	:	
v.	:	PHRC Case No. 201702696
	:	EEOC Charge No. 530-2018-01259
Arnold's Office Furniture Company Inc.	:	
Respondent	:	

STATEMENT OF THE CASE

FINDINGS OF FACT ENFORCEMENT DETERMINATION HEARING

CONCLUSIONS OF LAW

OPINION

RECOMMENDATION OF HEARING EXAMINER

FINAL ORDER

STATEMENT OF THE CASE

DARLENE MARTIN, HEARING EXAMINER, A virtual Enforcement Determination Hearing was held pursuant to the Pennsylvania Human Relations Act and its implementing regulations in this matter on June 26, 2026. The purpose of the hearing was to determine whether Respondent complied with the Commission's final order dated January 27, 2025. At the hearing, Complainant was represented by Kimberly Ashbach, Esquire. Robert Taylor, Esquire, represented the Commonwealth's interest in the case. Respondent failed to appear at the hearing despite being properly served via regular and certified mail.

FINDINGS OF FACT¹

1. In an Order dated January 27, 2025, Respondent, Arnold's Office Furniture Company Inc., was ordered to cease and desist from discriminating against its employees with disabilities. *Ex 1*.
2. The Order also required Respondent to pay Complainant Kathleen Giberson the lump sum of \$28,298.16 which amount represented mitigated backpay and interest of 6% following Complainant's termination. *Id*.
3. Finally, the Order required Respondent to report to the Pennsylvania Human Relations Commission ("PHRC") on the manner of its compliance with the terms of this Order within 30 days of the effective date of the order. *Id*.
4. On or about January 29, 2025, a copy of the Order was mailed to Respondent's attorney of record Nancy Abrams, Esquire.
5. On February 28, 2025, Nancy Abrams, Esquire, sent a letter to the PHRC which read, "Pursuant to the January 29, 2025, Order in this matter, this letter shall serve as the Report on Compliance required by that Order." *Ex 2*.
6. On March 17, 2025, PHRC sent a letter to Respondent's attorney stating that Respondent failed to comply with the Order by failing to pay Complainant \$28,298.16 and had fifteen days to comply. *Ex. 3*.
7. On April 1, 2025, Respondent sent PHRC a letter stating it "did not have the funds to pay Ms. Giberson." *Ex. 4*.

¹ Abbreviations

Tr.= Enforcement Hearing Transcript

Ex.= Enforcement Hearing Exhibit

8. On or about April 1, 2026, Robert Taylor, Esquire, filed a motion requesting a hearing to determine whether the Respondent complied with the Final Order.
 9. On April 3, 2026, the Office of the Hearing Examiner issued a letter notifying all parties that the motion had been received and gave any party until April 18, 2026, to respond to the motion.
 10. Respondent did not respond to the motion.
 11. Nancy Abrams, Esquire, filed a withdrawal of appearance on April 28, 2026.
 12. On May 26, 2026, Hearing Examiner Darlene Martin issued an order scheduling a hearing for June 26, 2026.
 13. Respondent failed to attend the hearing on June 26, 2026, despite being properly served via regular and certified mail.
 14. At the June 26, 2026, Enforcement Determination Hearing, Complainant testified that she has not received any money from Respondent pursuant to the January 27, 2025, Order.
- Tr. 19.

CONCLUSIONS OF LAW

1. The Commission may reopen a case after final disposition on its own motion if justice so requires. See 16 Pa Code § 42.67(a).
2. Prior to reopening a case under this section, the Commission will notify all parties of the proposed action and afford them the opportunity to respond thereto. 16 Pa Code § 42.67(b).
3. Respondent has failed to comply with the PHRC's January 27, 2025, Final Order.

OPINION

An Enforcement Determination Hearing was held on June 26, 2026. The purpose of the hearing was to determine whether Respondent has complied with the January 27, 2025, Final Order in this matter. The Commission may reopen a case after final disposition on its own motion if justice so requires. See 16 Pa Code § 42.67(a). Prior to reopening a case under this section, the Commission will notify all parties of the proposed action and afford them the opportunity to respond thereto. 16 Pa Code § 42.67(b).

In the instant case, Robert Taylor, Esquire, filed a motion on April 1, 2026, with the Office of the Hearing Examiner requesting a hearing to determine whether the Respondent had complied with the Commission's January 27, 2025, Final Order. On April 3, 2026, the Office of the Hearing Examiner issued a letter notifying all parties that the motion had been received and gave any party until April 18, 2026, to respond. Respondent did not file a response to the motion. Nancy Abrams, Esquire, Respondent's attorney, filed a withdrawal of appearance on April 28, 2026.

On May 26, 2026, Hearing Examiner Darlene Martin issued an order scheduling a hearing to determine compliance for June 26, 2026. Respondent failed to attend the hearing on June 26, 2026, despite being properly served via regular and certified mail. See Tr at 6.

The evidence establishes that the January 27, 2025 Order required Respondent to do three things: cease and desist from discriminating against its employees with disabilities: pay Complainant Kathleen Giberson the lump sum of \$28,298.16 which amount represented mitigated backpay and interest of 6% following Complainant's termination and report to the Pennsylvania Human Relations Commission ("PHRC") on the manner of its compliance with the terms of this Order within 30 days of the effective date of the order. Ex 1 at 22. A copy of the

Order was mailed to Respondent's attorney of record Nancy Abrams, Esquire on or about January 29, 2025. Ex 1 at 1.

The evidence also shows that, on February 28, 2025, Nancy Abrams, Esquire sent a letter to the PHRC which read, "Pursuant to the January 29, 2025, Order in this matter, this letter shall serve as the Report on Compliance required by that Order." Ex 2. On March 17, 2025, PHRC sent a letter to Respondent's attorney stating that Respondent failed to comply with the Order by failing to pay Complainant \$28,298.16 and had fifteen days to comply. Ex. 3. On April 1, 2025, Respondent sent PHRC a letter stating it "did not have the funds to pay Ms. Giberson." Ex. 4. Finally, Complainant testified that she has not received any money from Respondent pursuant to the January 27, 2025, Order. Tr.19.

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	:	EEOC Charge No. 530-2018-01259
Arnold's Office Furniture Company Inc.	:	
Respondent	:	
	:	

RECOMMENDATION OF THE HEARING EXAMINER

AND NOW, this 6th day of August 2026, upon consideration of the Motion for Hearing to Determine Compliance, the correspondence and order issued pursuant to the Motion and the record created at the Enforcement Determination Hearing, held on June 26, 2026, the Hearing Examiner concludes that Arnold's Office Furniture Company Inc. failed to comply with the PHRC's Final Order dated January 27, 2025, and therefore, recommends that the foregoing Enforcement Determination Hearing Findings of Fact, Conclusions of Law, Opinion and the Final Order on the next page, be adopted.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

Darlene Martin

Darlene Martin, Hearing Examiner

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Arnold's Office Furniture Company Inc.	:	
Respondent	:	

FINAL ORDER

AND NOW, this 24th day of August, 2026, after a review of the entire record in this matter, the Pennsylvania Human Relations Commission hereby approves the foregoing Findings of Fact, Conclusions of Law, Opinion and Recommendation. Further, the Commission adopts said Findings of Fact, Conclusions of Law, Opinion and Recommendation into the permanent record of this proceeding, to be served on the parties to the Complaint and hereby

ORDERS

That, within thirty (30) days of the effective date of this Final Order, Respondent shall comply with the PHRC's January 27, 2025, Final Order, in the above-captioned case by paying Kathleen Giberson \$28,298.16.

Respondent, if it fails to comply with this Order, is on notice that enforcement proceedings may be instituted in Commonwealth Court to compel compliance with the original order.

PENNSYLVANIA HUMAN RELATIONS COMMISSION

BY:  O/B/O Commissioner Curtis Jones
Curtis Jones Jr.
Chairperson

Attest:
 O/B/O Commissioner Radheshyam M. Agrawal