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OHIO CIVIL RIGHTS COMMISSION  
COMPLIANCE DEPARTMENT

**Ohio Civil  
Rights Commission**

# Memo

**To:** Desmon Martin, Director of Enforcement & Compliance

**From:** Denise M. Johnson, Chief Administrative Law Judge

**Date:** 7/24/2013

**Re:** *Beverly Gregory v. Rite Aid of Ohio, Inc.*

(TOL) A2 (32336) 07092008 22A-2008-03873-C  
Complaint No. 09-EMP-TOL-32336

**CONSIDERATION OF  
ADMINISTRATIVE LAW JUDGE'S REPORT**

**ALJ RECOMMENDS DISMISSAL ORDER**

Report Issued: July 24, 2013

Report Mailed: July 24, 2013

**\*\*\*Objections Due:\*\*\* August 15, 2013**



Governor  
John Kasich

# Ohio Civil Rights Commission

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**Board of Commissioners**

Leonard J. Hubert, Chairman  
Stephanie M. Mercado, Esq.  
William W. Patmon, III  
Tom Roberts  
Rashmi N. Yajnik

**Compliance Division**

G. Michael Payton, Executive Director

A Corrigendum on the Director of Compliance's Cover Letter

***Beverly Gregory v. Rite Aid, Inc.***

(TOL) A2 (32336) 07092008 22A-2008-03873-C

**Complaint No. 09-EMP-TOL-32336**

The inadvertent typographical error with regard to the date on the Director's cover letter in the above referenced matter is hereby being corrected: The correct date is **July 24, 2013**. Please, disregard the **January 28, 2013** date on the previous notice. The **August 15, 2013** date for the parties' Statement of Objections to the ALJ's Report & Recommendation remains unchanged as if it was sent on **July 24, 2013**.

Thanks for your cooperation in the matter.

*Desmond Martin Lapo*

---

DESMOND MARTIN  
DIRECTOR OF COMPLIANCE

**Ohio Civil Rights Commission**

Rhodes Office Tower, 5<sup>th</sup> Floor  
30 East Broad Street,  
Columbus Ohio 43215-3414

**Tel: (614) 466-6684; Fax: (614) 466-2785**

[Tony.Osuobeni@civ.ohio.gov](mailto:Tony.Osuobeni@civ.ohio.gov)

Lori A. Anthony, Esq. – Chief, Civil Rights Section  
Sharon D. Tassie, Esq.  
Paul Jackson, Esq.  
Beverly Gregory, Complainant

August 05, 2013



# Ohio Civil Rights Commission

Governor  
John Kasich

## Board of Commissioners

Leonard J. Hubert, Chairman  
Stephanie M. Mercado, Esq.  
William W. Patmon, III  
Tom Roberts  
Rashmi N. Yajnik

G. Michael Payton, Executive Director

July 24, 2013

Beverly Gregory  
630 Waverly Road  
Toledo, Ohio 43608

Paul Jackson, Esq.  
Roetzel & Andress, LPA  
222 South Main Street  
Akron, Ohio 44308

Re: *Beverly Gregory v. Rite Aid, Inc.*

(TOL) A2 (32336) 07092008 22A-2008-03873-C Complaint No. 09-EMP-TOL-32336

Enclosed is a copy of the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation(s) ALJ's Report). You may submit a Statement of Objections to the ALJ's Report within twenty three (23) days from the mailing date of this report. A request to appear before the Commission must also be submitted by this date.

Pursuant to Ohio Admin. Code § 4112-1-02, your Statement of Objections must be **received** by the Commission no later than **August 15, 2013**. *No extension of time will be granted.*

Any objections received after this date will be untimely filed and cannot be considered by the Ohio Civil Rights Commission.

*Please send the original Statement of Objections to: **Desmon Martin, Director of Enforcement and Compliance, Ohio Civil Rights Commission, State Office Tower, 5<sup>th</sup> Floor, 390 East Broad Street, Columbus, OH 43215-3414.** All parties and the Administrative Law Judge should receive copies of your Statement of Objections.*

FOR THE COMMISSION:

*Desmon Martin / apo*

Director of Enforcement and Compliance

DM:apo

Enclosure

Cc: Lori A. Anthony, Chief – Civil Rights Section / Sharon D. Tassie, Esq. / Paul Jackson, Esq. / Beverly Gregory. Denise M. Johnson, Chief Administrative Law Judge

CENTRAL OFFICE • State Office Tower, 5<sup>th</sup> Floor, 30 East Broad Street, Columbus, OH 43215-3414  
• Central Office: 614-466-2785 • TOLL FREE: 1-888-278-7101 • TTY: 614-466-9353 • FAX: 614-644-8776

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Governor  
John Kasich

# Ohio Civil Rights Commission

**Board of Commissioners**

Leonard J. Hubert, Chairman  
Stephanie M. Mercado, Esq.  
William W. Patmon, III  
Tom Roberts  
Rashmi N. Yajnik

G. Michael Payton, Executive Director

January 28, 2013

Beverly Gregory  
630 Waverly Road  
Toledo, Ohio 43608

Paul Jackson, Esq.  
Roetzel & Andress, LPA  
222 South Main Street  
Akron, Ohio 44308

Re: *Beverly Gregory v. Rite Aid, Inc.*

(TOL) A2 (32336) 07092008 22A-2008-03873-C Complaint No. 09-EMP-TOL-32336

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FOR THE COMMISSION:

*Desmon Martin / apo*

Desmon Martin  
Director of Enforcement and Compliance

DM:apo

Enclosure

Cc: Lori A. Anthony, Chief – Civil Rights Section / Paul Jackson, Esq./  
Beverly Gregory. Denise M. Johnson, Chief Administrative Law Judge

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**OHIO CIVIL RIGHTS COMMISSION**

**IN THE MATTER OF:**

***Beverly Gregory***

Complainant

Complaint No. 09-EMP-HOU-TOL-32336

v.

***Rite Aid of Ohio, Inc.***

Respondent

**CHIEF ADMINISTRATIVE LAW JUDGE'S THIRD AMENDED  
FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND RECOMMENDATIONS**

**MIKE DeWine  
ATTORNEY GENERAL**

Sharon D. Tassie, Esq.  
Senior Attorney General  
Ohio Attorney General, Mike DeWine  
615 West Superior Avenue  
Cleveland, Ohio 44113-1899

**Counsel for Respondent**

Paul Jackson, Esq.  
Roetzel & Andress, LPA  
222 South Main Street  
Akron, Ohio 44308

**Counsel for the Commission**

Beverly Gregory  
630 Waverly Road  
Toledo, Ohio 43608

**Complainant**

**ALJ'S REPORT BY:**

Denise M. Johnson  
Chief Administrative Law Judge  
Ohio Civil Rights Commission  
State Office Tower, 5<sup>th</sup> Floor  
30 East Broad Street  
Columbus, OH 43215-3414  
(614) 466 - 6684

## **INTRODUCTION AND PROCEDURAL HISTORY**

Beverly Gregory (Complainant) filed a sworn charge affidavit with the Ohio Civil Rights Commission (the Commission) on July 9, 2008.

The Commission found probable cause that Respondent (Rite Aid of Ohio, Inc.) engaged in unlawful discriminatory practices on June 4, 2009. The Commission attempted, but failed to resolve this matter by informal methods of conciliation. The Commission subsequently issued Complaint and Notice of Hearing on June 25, 2009.

The complaint alleged that the Respondent terminated the Complainant's employment in violation of Revised Code Section 4112.02(A) due to Complainant's age and race.

A public hearing was held on March 17, 2010, at the Ohio Civil Rights Commission, One Government Center, 640 Jackson Street, Toledo, Ohio.

The record consists of the transcript consisting of 167 pages; exhibits admitted into evidence during the hearing, a post hearing of Commission filed February 9, 2011, and a post hearing brief of Respondent filed March 1, 2011.

## **FINDINGS OF FACT**

The following Findings of Fact are based, in part, upon the ALJ's assessment of the credibility of the witnesses who testified before her in this matter. The ALJ has applied the tests of worthiness of belief used in current Ohio practice. For example, she considered each witness's appearance and demeanor while testifying. She considered whether a witness was evasive and whether his or her testimony appeared to consist of subjective opinion rather than factual recitation. She further considered the opportunity each witness had to observe and know the things discussed, each witness's strength of memory, frankness or lack of frankness, and the bias, prejudice, and interest of each witness. Finally, the ALJ considered the extent to which each witness's testimony was supported or contradicted by reliable documentary evidence.

1. Complainant filed a sworn charge affidavit with the Commission on July 9<sup>th</sup>, 2008.
2. The Commission determined that it was probable that Respondent engaged in unlawful discriminatory practices in violation of Revised Code Section 4112.02(A).
3. The Commission attempted to resolve the matter through informal methods of conciliation. The Commission issued the Complaint after conciliation failed.
4. The Respondent is a pharmacy-retail business.
5. Complainant is African American female born on February 16, 1948. (Tr. 11).
6. Amy Pettaway (Pettaway) is the Pharmacy Manager and has been employed in that position for twelve (12) years of the twenty three (23) years of her employment with Respondent. (Tr. 88).

7. Pettaway is responsible for all pharmacy operations: dispensing medications, consulting patients, inventory control and supervising employees. (Tr. 89).
8. Pettaway is a Caucasian female, fifty two(52) years old, approximately 10 years younger than Complianant. (Tr. 125)
9. Complainant started working for Respondent on February 1<sup>st</sup>, 2001 as a pharmacy technician. (Tr. 17)
10. Pettaway supervised Complainant in 2008 and they worked together in the same store for about 2 years. (Tr. 90).
11. Complainant filled her medical prescriptions with Respondent.(Tr. 18-19)
12. The Respondent permitted employees to have prescriptions filled and to allow the employees to take pills from the filled bottles in the will call area for a short period of time until the full prescription could be paid for and the bottle removed. (Tr. 19, 94).
13. Complainant made use of this benefit because she often ran short on money before she was able to pay for a prescription refill. (Tr. 20).

14. Complainant had four prescriptions that she submitted for refill in June 2008. The prescriptions were for Crestor, Mobic, Hydrocodone and Alvalide (Tr. 19, 93)
15. On June 10, 2008, Complainant purchased two of the prescriptions. Complainant did not check herself out because that was against Respondent's policies.
16. Pettaway scanned the two prescriptions on June 10<sup>th</sup> 2008. Complainant's total for both prescriptions was \$10.00. (Comm. Ex. 1). (Tr. 21-23).
17. One of Respondent's management practices is to generate a "13 day report" in order to contact parties to remind them that they have medications to pick up and also to check if the patient does not want the medications or if they are not going to pick them up, and deletes it out of the dispensed area. (Tr. 92)
18. Pettaway was checking the "13 day report" when she noticed that Complainant had two (2) prescriptions on the will call report that were more than 13 days old. One was the Crestor and the other Alvalide. (Tr. 92-93).

19. Pettaway asked Complainant if she intended to pick up those prescriptions and Complainant said yes and that she intended to get them in the next few days. (Tr. 93).
20. On Friday, June 13, Complainant purchased the two remaining prescriptions.
21. During the purchasing process a mistake was made by the employee performing the check out.
22. Prescription #581078 was properly scanned. But instead of receiving the second prescription that she paid for #558400, Complainant was given prescription #552547. Complainant had received #558400 on June 10<sup>th</sup>. (Tr. 44-46, Respondent. Ex. B).
23. A pharmacist rang up the two remaining bottles, prescription #544672 and #558400. Complainant paid in cash for the two prescriptions, \$42.16. (Tr. 23) (Ex. )
24. Pettaway worked the weekend of June 14-15, 2008 and the Crestor was still there. Pettaway was going to put it back in stock. However when Pettaway counted the pills, there were only 20 left in the bottle. (Tr. 94).

25. On Monday, June 16th, Pettaway came into work and the Crestor was no longer there.
26. Pettaway assumed that Complainant bought the medication that morning. (Tr. 94).
27. The next day, Tuesday June 17th, Pettaway worked in the morning and ran the 13 day report and the Crestor appeared on the aging report, meaning it had not been purchased and was still in the pharmacy. (Tr. 95)
28. Complainant's prescription #58400 was on both the June 10th and June 13<sup>th</sup> receipts. (Tr. 100).
29. Respondent's Policy for taking merchandise and not paying for it is grounds for termination. The policy applies to prescriptions. (Tr. 97).
30. Pettway contacted her boss, Jeff Wyzinsky and then Isaac Powell (Powell), the Loss Prevention Manager was contacted. (Tr. 96).
31. Powell is African American.

32. Powell's responsibility is to protect Respondent's assets by investigating losses internally and externally. He has been in loss prevention since April 1992. (Tr. 128).
33. Powell discussed with Pettaway that some pills were missing from the prescription # 552547. (Tr. 131).
34. Complainant met with Powell on June 24, 2008. Powell accused Complainant of stealing prescription #552547, the Crestor for \$19.29. (Tr. 24).
35. Complainant informed Powell of the days she made the purchases and that she had receipts for all of the prescriptions that had been filled for her. Powell allowed her to return home to get receipts.
36. During the meeting with Complainant Powell disclosed that the prescription that she had not paid for was \$19.29 and that Complainant had no receipt for it. Although the prescription had been filled it had not been rung up and was not in the will call section but on the will call list. (Tr. 132).
37. Complainant was aware of the cost of Crestor, as she had purchased Crestor monthly for several months. (Tr. 51, Respondent Ex. C).

38. Complainant paid the full \$19.29 for prescription # 552547 the following day.
39. Eric Hanson (Hanson), Human Resources Manager, was responsible for stores in the Toledo Ohio area in 2008. (Tr. 70).
40. The Respondent's Loss Prevention Handbook states "it is the associate's responsibility to make sure they review that receipt to ensure that they are not removing product from the store that had not been paid for." (Tr. 74).
41. Hanson reviewed Powell's investigation report and made the decision to terminate Complainant's employment. (Tr. 71).
42. Complainant was fired by Respondent under its zero-tolerance policy against employee theft.

## **CONCLUSIONS OF LAW AND DISCUSSION**

All proposed findings, conclusions, and supporting arguments of the parties have been considered. To the extent that the proposed findings and conclusions submitted by the parties and the arguments made by them are in accordance with the findings, conclusions, and views stated herein, they have been accepted; to the extent they are inconsistent therewith, they have been rejected. Certain proposed findings and conclusions have been omitted as not relevant or as not necessary to a proper determination of the material issues presented. To the extent that the testimony of various witnesses is not in accord with the findings therein, it is not credited.<sup>1</sup>

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<sup>1</sup> Any Finding of Fact may be deemed a Conclusion of Law, and any Conclusion of Law may be deemed a Finding of Fact.

1. The Commission alleged in the Complaint that Respondent subjected Complainant to disparate terms and conditions of employment and discharged her, for reasons not applied equally to all persons without regard to their race and age.
  
2. This allegation, if proven, would constitute a violation of R.C. 4112.02, which provides, in pertinent part, that:

It shall be an unlawful discriminatory practice:

(A) For any employer, because of the race, ..., age... of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.

3. The Commission has the burden of proof in cases brought under R.C. Chapter 4112. The Commission must prove a violation of R.C. 4112.02(A) by a preponderance of reliable, probative, and substantial evidence. R.C. 4112.05(G), 4112.06(E).

4. Federal case law generally applies to alleged violations of R.C. Chapter 4112. *Columbus Civ. Serv. Comm. v. McGlone* (1998), 82 Ohio St.3d 569.
5. Therefore, reliable, probative, and substantial evidence means evidence sufficient to support a finding of unlawful discrimination under Title VII of the Civil Rights Act of 1964 (Title VII).
6. The burden of establishing a *prima facie* case is not onerous. *Texas Dept. of Community Affairs v. Burdine*, 450 U.S. 248, 253, 25 FEP Cases 113, 115 (1981). It is simply part of an evidentiary framework “intended progressively to sharpen the inquiry into the elusive factual question of intentional discrimination.” *Id.*, at 254, 25 FEP Cases at 116, n.8.
7. Under Title VII, the Commission is normally required to first establish a *prima facie* case of unlawful discrimination by a preponderance of the evidence. *McDonnell Douglas v. Greene*, 411 U.S. 792 (1973). The proof required to establish a *prima facie* case may vary on a case-by-case basis. *Id.*, at 802.
8. The establishment of a *prima facie* case creates a rebuttable presumption of unlawful discrimination. *Texas Dept. of Community Affairs v. Burdine*, 450 U.S. 248 (1981).

9. Once the Commission establishes a prima facie case, the burden of production shifts to Respondent to “articulate some legitimate, nondiscriminatory reason” for the employment action.<sup>2</sup> *McDonnell Douglas*, *supra* at 802.

10. To meet this burden of production, Respondent must:

...“clearly set forth, through the introduction of admissible evidence,” reasons for its actions which, if believed by the trier of fact, would support a finding that unlawful discrimination was not the cause of the employment action.

*St. Mary’s Honor Center v. Hicks*, 509 U.S. 502, 507 (1993), quoting *Burdine*, *supra* at 254-55.

11. The presumption of discrimination created by the establishment of the prima facie case “drops out of the picture” when the employer articulates a

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<sup>2</sup> Although the burden of production shifts to Respondent at this point, the Commission retains the burden of persuasion throughout the proceeding. *Burdine*, *supra* at 254.

The defendant’s burden is merely to articulate through some proof a facially nondiscriminatory reason for the termination. The defendant does not at this stage of the proceedings need to litigate the merits of the reasoning, nor does it need to prove that the reason relied upon was bona fide, nor does it need to prove that the reason was applied in a nondiscriminatory fashion.

*EEOC v. Flasher Co.*, 986 F.2d 1312, 1316 (10th Cir. 1992) (citations and footnote omitted).

legitimate, nondiscriminatory reason for the employment action. *Hicks, supra* at 511.

12. In this case, it is not necessary to determine whether the Commission established a prima facie case. Respondent's articulation of legitimate, nondiscriminatory reasons for decision to terminate Complainant removes any need to determine whether the Commission proved a prima facie case, and the "factual inquiry proceeds to a new level of specificity." *U.S. Postal Service Bd. of Governors v. Aikens*, 460 U.S. 711, 715 (1983) quoting *Burdine, supra* at 255.

Where the defendant has done everything that would be required of him if the plaintiff had properly made out a prima facie case, whether the plaintiff really did so is no longer relevant. *Aikens, supra* at 715.

13. Respondent met its burden of production with the introduction of evidence that Complainant was terminated for theft.
  
14. Respondent having met its burden of production, the Commission must prove Respondent unlawfully discriminated against Complainant because of her race. *Hicks, supra* at 511, 62 FEP Cases at 100. The Commission must show by a preponderance of the evidence that Respondent's articulated reason for Complainant's discharge was not the true reason,

but was “a pretext for discrimination.” *Id.*, at 515, 62 FEP Cases at 102, quoting *Burdine, supra* at 253, 25 FEP Cases at 115.

[A] reason cannot be proved to be a “pretext for discrimination” unless it is shown *both* that the reason is false, *and* that discrimination is the real reason.

*Hicks, supra* at 515, 62 FEP Cases at 102.

15. Thus, even if the Commission proves that Respondent’s articulated reasons are false, the Commission will not automatically prevail in establishing its burden of persuasion:

That the employer’s proffered reason is unpersuasive, or even obviously contrived, does not necessarily establish that the [Commission’s] proffered reason of race is correct. That remains a question for the factfinder to answer... *Id., supra*, at 524.

16. The Commission must ultimately provide sufficient evidence to allow the factfinder to infer that Complainant was, more likely than not, the victim of age and race discrimination. *Mauzy v. Kelly Services, Inc.* (1996), 75 Ohio St.3d. 578, 586-587.

17. In order to show pretext, the Commission may directly or indirectly challenge the credibility of Respondent's articulated reason for terminating Complainant's employment. The Commission may directly challenge the credibility of Respondent's articulated reason by showing that the reason had no basis *in fact* or it was *insufficient* to motivate the employment decision. *Manzer v. Diamond Shamrock Chemicals Co.*, 29 F.3d 1078, 1084 (6<sup>th</sup> Cir. 1994). Such direct attacks, if successful, permit the factfinder to infer intentional discrimination from the rejection of the reason without additional evidence of unlawful discrimination.

The factfinder's disbelief of the reasons put forward by the defendant (particularly if disbelief is accompanied by a suspicion of mendacity) may together with the elements of the *prima facie* case, suffice to show intentional discrimination ... [n]o additional proof is required.<sup>3</sup>

*Hicks, supra* at 511, 62 FEP Cases at 100 (emphasis added).

18. The Commission challenged the credibility of the Respondent's reason for terminating Complainant.

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<sup>3</sup> Even though rejection of a respondent's articulated reason is "enough at law to *sustain* finding of discrimination, *there must be a finding of discrimination.*" *Hicks, supra* at 511, 62 FEP Cases at 100, n.4.

19. I did not find Complainant's testimony credible. She worked as a pharmacy technician and was aware of Respondent's zero tolerance policy regarding theft.

20. This wasn't the first time that the Complainant had the same prescriptions filled by Respondent and she was aware of the cost of each prescription. Complainant regularly used this benefit offered by Respondent because she often ran short of money which affected her ability to pay for her prescriptions at the time that she got them refilled.

21. A reasonable inference can be drawn that at some point in time during or shortly after Complainant purchased prescriptions on June 10<sup>th</sup> that she was aware a mistake had been made.

22. Even if the scanning mistake was not caused by the Complainant, her subsequent awareness of the mistake required her to bring it to the Respondent's attention without the Respondent having to conduct its own investigation.

23. The Commission tried to point to Pettaway's evaluation of Complainant's work that Complainant didn't work as quickly as she needed to, as an ageist comment.

24. Pettaway's testimony was credible that she has made the same comments to other employees who are younger than Complainant.

25. Pettaway is married to an African American and Powell, who conducted the investigation, is African American.

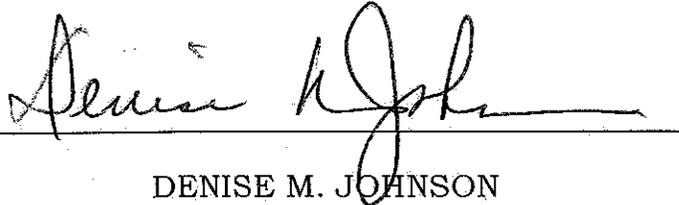
26. There was no credible evidence introduced by the Commission that Pettaway or Powell treated employees, not in the protected classes, better than Complainant.

27. The ALJ is not persuaded that Respondent terminated Complainant based on her race and age.

## RECOMMENDATIONS

For all of the foregoing reasons, it is recommended in Complaint No. 09-EMP-TOL-32336 that:

1. The Commission orders a dismissal of complaint as no discriminatory practices were found.



---

DENISE M. JOHNSON

**CHIEF ADMINISTRATIVE LAW JUDGE**

July 23, 2013

Aug. 12, 2013

To whom it may concern, I Beverly  
Gregory would like to a hearing before  
the Commission

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AUG 15 2013

OHIO CIVIL RIGHTS COMMISSION  
COMPLIANCE DEPARTMENT

Thank You  
Beverly Gregory

*Statement of Objections*

Page 5 # 15

I purchased 2 of my prescription on June 10, 2008. I took them home with the receipt, after I purchased them. Amy Pettaway scanned the two prescriptions I paid \$10.00 for them.

Page 6 # 19

Amy asked when would I be picking up the 2 remaining scripts, I told her on Friday June 13, I purchased the last 2 scripts with the receipt, and took it home.

Page 6 # 20

At that time all prescription were picked up.

Page 6 # 21

Another employee made mistake at checkout. - why didn't <sup>they</sup> check to see what happen? Who was the employee?

Page 6 # 22

If they scan prescription, and the second prescription was given was the Crestor, what was ran up June 10<sup>th</sup>, how is it that a pharmacist ran up the 2 remaining prescriptions with the same Rx # from June 10<sup>th</sup>?

Page 6 # 23

Page 7 <sup>#</sup> 25

Monday, June 16<sup>th</sup>; Anny said Crestor was no longer there.

I was taking my meds I paid for.

Page 8 # 34

When I was called to the office to see Isaac Powell on June 24<sup>th</sup>, he explain to me what was going on. Until then I wasn't aware of any problems with my prescriptions.

Page 17 # 21

If they knew 12 days before there was a problem, why didn't they say something to me. I wasn't aware that they were investigating me.

All my prescription were purchased 12 days before my termination, June 25<sup>th</sup>.

Beverly Gregory



Governor  
John Kasich

# Ohio Civil Rights Commission

**Board of Commissioners**

Leonard J. Hubert, Chairman  
Lori Barreras  
William Patmon, III  
Stephanie M. Mercado, Esq.  
Tom Roberts

G. Michael Payton, Executive Director

March 13, 2014

Beverly Gregory  
630 Waverly Road  
Toledo, OH 43608

RE: Beverly Gregory v. Rite-Aid, Inc.  
TOLA2(32336)07092008  
22A-2008-03873C  
Complaint No. 09-EMP-TOL-32336

The enclosed Order dismissing Complaint No. 09-EMP-TOL-32336 the above captioned matter was issued by the Ohio Civil Rights Commission at its meeting March 13, 2014.

This case is closed.

FOR THE COMMISSION

*Desmon Martin/pju*

Director of Enforcement & Compliance  
Ohio Civil Rights Commission

DM/pju  
Enclosure

cc: Denise M. Johnson, Chief Administrative Law Judge  
Lori A. Anthony, Esq., Chief - Civil Rights Section

CENTRAL OFFICE • State Office Tower, 5<sup>th</sup> Floor, 30 East Broad Street, Columbus, OH 43215-3414  
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# Ohio Civil Rights Commission

Governor  
John Kasich

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**Board of Commissioners**

Leonard J. Hubert, Chairman  
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March 13, 2014

Paul Jackson, Esq.  
Roetzel & Andress  
222 South Main Street  
Akron, Ohio 44308

RE: Beverly Gregory v. Rite-Aid, Inc.  
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FOR THE COMMISSION

*Desmon Martin/pju*

Director of Enforcement & Compliance  
Ohio Civil Rights Commission

DM/pjw  
Enclosure

cc: Denise M. Johnson, Chief Administrative Law Judge  
Lori A. Anthony, Esq., Chief – Civil Rights Section



John Kasich, Governor

IN THE MATTER OF: )  
)  
BEVERLY GREGORY, ) Complaint No. 09-EMP-TOL-32336  
)  
Complainant, )  
)  
vs. )  
)  
RITE-AID, INC., )  
)  
Respondent. )

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**FINAL ORDER**

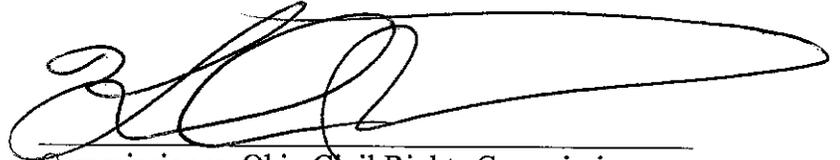
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This matter comes before the Commission upon the Complaint and Notice of Hearing No. 09-EMP-TOL-32336; the official record of the public hearing held on March 17, 2010, before Denise M. Johnson, a duly appointed Administrative Law Judge; the post-hearing briefs filed by the Commission and Respondent; and the Administrative Law Judge's Report and Recommendation dated July 23, 2013.

The complaint alleges that the Complainant was discriminated against because of her race and age. After a public hearing, the Administrative Law Judge recommended that the Commission dismiss Complaint No. 09-EMP-TOL-32336. After careful consideration of the entire record, the Commission adopted the Administrative Law Judge's report at its public meeting on March 13, 2014. Therefore, the Commission incorporates the findings of fact,

conclusions of law, and the recommendations contained in the Administrative Law Judge's report, as if fully rewritten herein, and dismisses the complaint against Respondent.

This ORDER issued by the Ohio Civil Rights Commission this 13<sup>th</sup> day of MARCH, 2014.



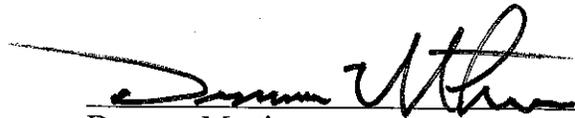
Commissioner, Ohio Civil Rights Commission

## NOTICE OF RIGHT TO JUDICIAL REVIEW

Notice is hereby given to all parties herein that Revised Code Section 4112.06 sets forth the right to obtain judicial review of this Order and the mode and procedure thereof.

### CERTIFICATE

I, Desmon Martin, Director of Enforcement and Compliance of the Ohio Civil Rights Commission, do hereby certify that the foregoing is a true and accurate copy of the Final Order issued in the above-captioned matter and filed with the Commission at its Central Office in Columbus, Ohio.



3/13/2014

Desmon Martin  
Director of Enforcement and Compliance  
Ohio Civil Rights Commission