

**Ohio Civil
Rights Commission**

Memo

To: Desmon Martin, Director of Enforcement & Compliance

From: Denise M. Johnson, Chief Administrative Law Judge

Date: 8/6/2013

Re: *Christina Sims v. Westside Family Practice, Inc*

COL E1 [34472] 05022007 22A-2007-05664-F

Complaint No. 08-EMP-COL-34472

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

ALJ RECOMMENDS CEASE & DESIST ORDER

Report Issued: August 05, 2013

Report Mailed: August 06, 2013

*****Objections Due:*** August 29, 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

August 05, 2013

Christina Nicole Sims
3219 Haskell Drive
Columbus, Ohio 43219

John L. Tanoury, Esq.
Ball & Tanoury, LPA
1010 Old Henderson Road Suite I
Columbus, Ohio 43220-3776

Re: *Christina Sims v. Westside Family Practice, Inc.*

COL E1 [34472] 05022007 22A-2007-05664-F Complaint No. 08-EMP-COL-34472

Enclosed is a copy of the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation(s). 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 29, 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, 5th Floor, 30 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 / Stefan J. Schmidt, Esq. /
John Tanoury, Esq. / Christina Nicole Sims, Complainant. /
Denise M. Johnson, Chief Administrative Law Judge

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OHIO CIVIL RIGHTS COMMISSION

IN THE MATTER OF:

CHRISTINA N. SIMS

Complainant

Complaint No. 08-EMP-COL-34472

v.

WESTSIDE FAMILY PRACTICE, INC.

Respondent

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

**MIKE DeWine
ATTORNEY GENERAL**

Stefan J. Schmidt, Esq.
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Counsel for the Commission

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Respondent

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Counsel for Respondent

ALJ'S REPORT BY:

Denise M. Johnson
Chief Administrative Law Judge
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, OH 43215-3414
Phone (614) 466-6684
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INTRODUCTION AND PROCEDURAL HISTORY

Christina Nicole Sims (Complainant) filed a sworn charge affidavit with the Ohio Civil Rights Commission (the Commission) on May 2, 2007.

The Commission found probable cause that Respondent engaged in unlawful discriminatory practices on March 13, 2008. The Commission attempted, but failed to resolve this matter by informal methods of conciliation. The Commission subsequently issued Complaint and Notice of Hearing on May 2, 2008.

The complaint alleged Respondent engaged in an unlawful discriminatory practice under R.C. 4112.02(A).

A public hearing was held on September 18th 2009, at the Ohio Civil Rights Commission, State Office Tower, 5th Floor, 30 E. Broad Street, Columbus, Ohio 43215.

At the hearing, the Commission proceeded on the allegations that Complainant was terminated by Respondent because Complainant was pregnant.

The record consists of the transcript of the hearing consisting of 139 pages; exhibits admitted into evidence during the hearing, the post hearing briefs of the Commission filed on June 11, 2010, and the post hearing brief of the Respondent filed on August 2, 2010.

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 May 2, 2007.

2. The Commission determined that it was probable that Respondent engaged in unlawful discriminatory practice in violation of Revised Code Section 4112.02(A).

3. The Commission attempted to resolve both matters by informal methods of conciliation. The Commission issued the Complaint after conciliation failed.

4. Respondent is a medical practice. Dr. Wesley Hard (Dr. Hard) is Respondent's owner and president.

5. Darlene Hard (Ms. Hard) is the wife of Dr. Hard and is Respondent's office manager. (Tr. 85)

6. Complainant found out about the position with Westside Family Practice through an advertisement placed in the newspaper. (Tr. 14).

7. The advertisement was for a full time medical assistant. (Tr. 14).

8. Ms. Hard is in charge of interviewing and hiring for Respondent. (Tr. 54).

9. Complainant faxed a resume to Westside Family Practice for the medical assistant position. (Tr. 15).

10. Complainant was interviewed by Ms. Hard during April 2007. (Tr. 51).

11. On or about Monday April 16, 2007, Respondent hired Complainant and she started work the next day.

12. Complainant's job duties included bringing patient's back, accepting co-pays, taking vitals, reading through doctor's chart and following through with any request from the doctor. (Tr. 17).

13. Complainant told Ms. Hard about her pregnancy on Friday April 27th in the break room. (Tr. 19, 22).

14. Complainant explained to Ms. Hard that she was seven months pregnant. (Tr.19).

15. Ms. Hard wrote that Complainant was terminated on April 27, 2007 on Complainant's time card.

16. On April 30th, 2007 Ms. Hard wrote no call, no show on Complainant's time card. (Ex. 3, Tr.63).

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.

1. The Commission alleged in the Complaint that Complainant was denied employment because she was pregnant.

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 ... sex, ... 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 term “because of sex” for the purposes of R.C. 4112.02(A) includes, but it is not limited to, discrimination based upon pregnancy, pregnancy-related illnesses, childbirth, or related conditions. R.C.4112.01(B). This division further provides that:

Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as

other persons not so affected but similar in their ability or inability to work ...

4. 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) and 4112.06(E).

5. Federal case law generally applies to alleged violations of R.C. Chapter 4112. *McFee v. Nursing Care Mgt. of Am., Inc.*, 126 Ohio St.3d 183 (2010).

6. Federal case law is especially relevant in this case because R.C. 4112.01(B) reads “almost verbatim to the Pregnancy Discrimination Act” of 1978 (PDA). *Priest v. TFH-EB, Inc. dba Electra Bore, Inc.*, 1998 Ohio App. LEXIS 1384; See 42. U.S.C. § 2000e(k).

7. Thus, 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), as amended by the PDA.

8. Under Title VII case law, 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, 5 FEP Cases 965 (1973).

9. The proof required to establish a *prima facie* case may vary on a case-by-case basis. *Id.*, at 802, 5 FEP Cases 969, n.13.

10. 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, 25 FEP Cases 113 (1981).

11. 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.¹

McDonnell Douglas, supra at 802, 5 FEP Cases at 969.

12. 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, 62 FEP Cases 96, 103 (1993), quoting *Burdine, supra* at 254-55, 25 FEP Cases at 116, n.8.

¹ 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, 25 FEP Cases at 116.

The defendant’s burden is merely to articulate through some proof a facially nondiscriminatory reason for (terminating) 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 reasoning was applied in a nondiscriminatory fashion.

EEOC v. Flasher Co., 60 FEP Cases 814, 817 (10th Cir. 1992) (citations and footnote omitted).

13. The presumption created by the establishment of a *prima facie* case “drops out of the picture” when the employer articulates a legitimate, nondiscriminatory reason for the employment action. *Hicks, supra* at 511, 62 FEP Cases at 100.

14. In this case, it is not necessary to determine whether the Commission proved a *prima facie* case. Respondent’s articulation of legitimate, nondiscriminatory reasons for Complainant’s termination 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, 713, 31 FEP Cases 609, 611 (1983), quoting *Burdine, supra* at 255, 25 FEP Cases at 116.

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

Aikens, supra at 713, 31 FEP Cases at 611.

15. Respondent met its burden of production with the introduction of evidence that the Complainant was asked on April 27th to provide a doctor's statement regarding what restrictions she had regarding her pregnancy and that Complainant quit by not showing up to work on Monday April 30th.

16. Respondent having met its burden of production, the Commission must prove that Respondent unlawfully discriminated against Complainant because of her sex (pregnancy). *Hicks, supra* at 511, 62 FEP Cases at 100. The Commission must show by a preponderance of the evidence that Respondent's articulated reasons for failure to hire Complainant were not the true reasons, but were "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.

17. Thus, even in the Commission proves that Respondent's articulated reasons are false or incomplete, the Commission does not automatically succeed in meeting 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 ... [sex] is correct. That remains a question for the fact finder to answer

Id., at 524, 62 FEP Cases at 106.

18. Ultimately, the Commission must provide sufficient evidence for the fact-finder to infer Complainant was, more likely than not, the victim of sex discrimination.

19. In order to show pretext, the Commission may directly or indirectly challenge the credibility of Respondent's articulated reasons for failing to hire Complainant.

20. The Commission may directly challenge the credibility of Respondent's articulated reasons by showing that they had no basis *in fact* or were *insufficient* to motivate the employment decision. *Manzer v. Diamond Shamrock Chemicals Co.*, 29 F.3d 1078, 1084 (6th Cir. 1994).

21. Such direct attacks, if successful, permit the fact-finder to infer intentional discrimination from the rejection of the reasons 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.²

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

² 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.

22. The Commission may indirectly challenge the credibility of Respondent's reasons by showing that the sheer weight of the circumstantial evidence makes it "more likely than not" that the reasons are a pretext for unlawful discrimination. *Manzer, supra* at 1084.

23. In the instant case the Commission challenged the credibility of Respondent's reasons.

24. I believed the testimony of the Complainant that when she disclosed to Ms. Hard that she was pregnant on Friday April 30, 2007 that Ms. Hard became upset and told Complainant that she needed to clock out and don't come back. (Tr. 38).

25. The Commission introduced direct evidence that Respondent terminated Complainant based on her pregnancy.

"Direct evidence is that evidence which, if believed, requires the conclusion that unlawful discrimination was at least a motivating factor in the employer's actions."

Jacklyn v. Schering-Plough Healthcare Prods. Sales Corp., 176 F.3d. 921, 926 (6th Cir. 1999).

26. During the Commission's investigation of Complainant's charge, Ms. Hard stated that had she known that Complainant was pregnant she would not have hired her.³ (Tr.64).
27. Respondent wrote on Complainant's time card on Friday, April 27th 2007, the day the Complaint told Ms. Hard of her pregnancy, "TERMINATED 4/27/2007." (Ex. 3).
28. On Monday, April 30th 2007, the same time card shows "No Call, No Show."
29. Pretext can also be shown by disparate treatment. The Commission alleged that a similarly-situated non pregnant employee was treated more favorably than Complainant. *Mitchell v. Toledo Hosp.*, 964 F.2d 577, 583 (6th Cir. 1992).

³ At the time of Complainant's hiring Ms. Hard had never received training or classes on anti-discrimination law. (Tr. 53)

30. The Commission must prove that the comparable was similarly situated to Complainant “in all relevant aspects” of employment. *Barry v. Noble Metal Processing, Inc.*, 276 Fed. Appx. 477, 480 (6th Cir. 2008) citing *Ercegovich v. Goodyear Tire & Rubber Co.*, 154 F. 3d 344, 352 (6th Cir. 1998) (internal quotation marks omitted).

To be deemed “similarly situated”, the individuals with whom ... the [Complainant] seeks to compare ... [his] treatment must have dealt with the same supervisor, have been subject to the same standards and have engaged in the same conduct without such differentiating or mitigating circumstances that would distinguish their conduct or the employer’s treatment of them for it.

Mitchell, supra at 583 (6th Cir. 1992) (citations omitted).

31. The Commission introduced credible evidence that other non pregnant employees who had restrictions due to medical conditions were not terminated but were permitted to submit

doctor's notes which were accommodated by Respondent. (Tr. 79 , 80).

32. The conduct of Ms. Hard supports a determination that Complainant was terminated from employment based on illegal discriminatory conduct in violation of R.C. 411202(A).

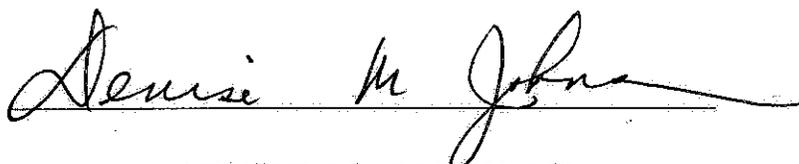
RECOMMENDATIONS

For all of the foregoing reasons, it is recommended in Complaint No. 9887 that:

1. The Commission order Respondent to cease and desist from all discriminatory practices in violation of R.C. Chapter 4112;
2. The Commission order Respondent to make an offer of employment to Complainant within 10 days of the Commission's Final Order for the position of Medical Assistant. If Complainant accepts Respondent's offer of employment, Complainant shall be paid the same wage she would have been paid had she been employed as a STNA on April 30, 2007 and continued to be so employed up to the date of Respondent's offer of employment; and
3. Whether Complainant accepts Respondent's offer of employment, Respondent shall submit to the Commission within 10 days of the offer of employment a certified check payable to Complainant for the amount that Complainant would have earned had she been

employed as a Medical Assistant April 30, 2007 and continued to be so employed up to the date of Respondent's offer of employment, including any raises and benefits she would have received, less her interim earnings, plus interest at the maximum rate allowed by law.⁴

4. Within six months of the date of the Commission's Final Order the Respondent's management staff takes training in Ohio's laws against discrimination.



DENISE M. JOHNSON
CHIEF ADMINISTRATIVE LAW JUDGE

August, 05, 2013

⁴ Any ambiguity in the amount that Complainant would have earned during this period or benefits that she would have received should be resolved against Respondent. Likewise, any ambiguity in calculating Complainant's interim earnings should be resolved against Respondent.



MIKE DeWINE

★ OHIO ATTORNEY GENERAL ★

Civil Rights Section
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30 East Broad Street, 15th Floor
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October 31, 2013

Desmon Martin, Director of Enforcement and Compliance
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, Ohio 43215-3414

Re: *Christina Sims v. Westside Family Practice, Inc.*,
Complaint No: 08-EMP-COL-34472

Dear Mr. Martin:

The Commission is waiving its appearance in the above-caption case. If you have questions please call. Thank you for your assistance in this matter.

Very truly yours,

MIKE DeWINE
Attorney General of Ohio

Stefan J. Schmidt
Assistant Attorney General
Civil Rights Section
Phone: (614) 466-7181
stefan.schmidt@ohioattorneygeneral.gov

Cc: Denise M. Johnson, Chief Administrative Law Judge
John L. Tanoury, Esq.
Christina Sims



MIKE DeWINE

★ OHIO ATTORNEY GENERAL ★

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August 28, 2013

RECEIVED

Desmon Martin, Director of Enforcement and Compliance
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, Ohio 43215-3414

AUG 28 2013

OHIO CIVIL RIGHTS COMMISSION
COMPLIANCE DEPARTMENT

Re: *Christina Sims v. Westside Family Practice, Inc.*,
Complaint No: 08-EMP-COL-34472

Dear Mr. Martin:

Enclosed please find the *Objections of the Ohio Civil Rights Commission to Proposed Conclusion of Law 24 and Recommendation 3*, which is being submitted for filing. Copies of these objections are being sent to Chief Administrative Law Judge Denise M. Johnson, Counsel for Respondent, John L. Tanoury, Esq., Ball & Tanoury, 1010 Old Henderson Road, Suite 1, Columbus, Ohio 43220 and to Complainant, Christina Sims, 5810 Millbank Road, Apt. D, Columbus, Ohio 43229-4153.

The Commission is also asking that it be allowed to appear to argue in support of its objections. Thank you for your assistance in this matter.

Very truly yours,

MIKE DeWINE
Attorney General of Ohio



Stefan J. Schmidt

Assistant Attorney General

Civil Rights Section

Phone: (614) 466-7181

stefan.schmidt@ohioattorneygeneral.gov

Enclosure:

Cc: Denise M. Johnson, Chief Administrative Law Judge
John L. Tanoury, Esq.
Christina Sims

AUG 28 2013

STATE OF OHIO
CIVIL RIGHTS COMMISSION

OHIO CIVIL RIGHTS COMMISSION
COMPLIANCE DEPARTMENT

IN THE MATTER OF:	:	
	:	COMPLAINT NO. 08-EMP-COL-34472
CHRISTINA SIMS,	:	
	:	
Complainant,	:	CHIEF ADMINISTRATIVE LAW JUDGE:
	:	DENISE M. JOHNSON
v.	:	
	:	
WESTSIDE FAMILY PRACTICE, INC.	:	
	:	
Respondent.	:	

**OBJECTIONS OF THE OHIO CIVIL RIGHTS COMMISSION TO PROPOSED
CONCLUSION OF LAW 24 AND RECOMMENDATION 3**

The Administrative Law Judge correctly determined that the Commission presented direct evidence that Respondent terminated Complainant based on her pregnancy in violation of R.C. 4112.02(A). The Administrative Law Judge also correctly determined that the Commission introduced credible evidence that other non-pregnant employees who had restrictions due to medical conditions were not terminated, but were accommodated by Respondent. These findings should be upheld and the Commission should follow the recommendation to issue a Cease and Desist Order.

However, there is a need to correct a typographical error in Conclusion of Law 24. There is also a need to add the specific amount of back pay to Recommendation 3. Therefore, the Commission files the following two objections.

I. CONCLUSION OF LAW 24 HAS A TYPOGRAPHICAL ERROR THAT SHOULD BE MODIFIED BEFORE BEING ADOPTED BY THE COMMISSION.

Conclusion of Law 24 currently states: "I believed the testimony of the Complainant that when she disclosed to Ms. Hard that she was pregnant on **Friday April 30, 2007** that Ms. Hard

became upset and told Complainant that she needed to clock out and don't come back." See, Chief Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations at pg. 16, copy attached as Attachment 1 (emphasis added). Friday was **April 27, 2007**, not April 30, 2007. A copy of a 2007 calendar is attached as Attachment 2. Judge Johnson noted the correct dates in her Findings of Fact 13, and Conclusion of Law 27. Findings of Fact 13 says "Complainant told Ms. Hard about her pregnancy on Friday April 27th in the break room." Attachment 1 pg. 6. Conclusion of Law 27 says "Respondent wrote on Complainant's time card on Friday, April 27th 2007, the day the Complain[an]t told Ms. Hard of her pregnancy, 'TERMINATED 4/27/2007.'" Attachment 1 pg. 17.

Accordingly, Conclusion of Law 24 should be modified to read, "I believed the testimony of the Complainant that when she disclosed to Ms. Hard that she was pregnant on Friday April 27, 2007 that Ms. Hard became upset and told Complainant that she needed to clock out and don't come back."

II. RECOMMENDATION 3 SHOULD BE MODIFIED TO INCLUDE THE SPECIFIC AMOUNT OF BACK PAY THAT COMPLAINANT IS ENTITLED TO BEFORE BEING ADOPTED BY THE COMMISSION.

Once liability is established, there is a presumption of back pay. The back pay award must also include pre-judgment interest. *Ohio Civ. Rights Comm. v. Ingram* (1994), 69 Ohio St.3d 89. Recommendation 3 currently says:

Whether Complainant accepts Respondent's offer of employment, Respondent shall submit to the Commission within 10 days of the offer of employment a certified check payable to Complainant for the amount that Complainant would have earned had she been employed as a Medical Assistant April 30, 2007 and continued to be so employed up to the date of Respondent's offer of employment, including any raises and benefits she would have received, less her interim earnings, plus interest at the maximum rate allowed by law.

Attachment 1 pgs. 20-21. The specific amount of back pay to which Complainant is entitled, runs from April 30, 2007, until the date Respondent offers her employment and pays the amount due, should be included in the recommendation.

At the time of her termination, Ms. Sims was earning \$10.50 per hour forty hours a week. Tr. 23.¹ That equals approximately \$420 a week in lost wages.² Ms. Sims was terminated on Friday, April 27, 2007, and her first week of being unemployed began on April 30, 2007. There were 35 weeks from the first date of her unemployment until the end of the year.³ Ms. Sims was unable to work after the July 2007 birth of her baby for 7 weeks. Tr. 22, 25. Accordingly, Ms. Sims would have been available to work 28 weeks until the end of 2007. At \$420 per week times the 28 weeks Ms. Sims would have made \$14,700 had Respondent not discriminated against her. Ms. Sims testified that she had interim earnings of \$4,173 in 2007.⁴ Accordingly, in 2007, Ms. Sims would have been entitled to \$7,587 in back pay.

Ms. Sims could have worked for 51 weeks in 2008. At \$420 per week times the 51 weeks Ms. Sims would have made \$21,420. Ms. Sims testified that she had interim earnings of \$9,159 in 2008.⁵ Accordingly, in 2008, Ms. Sims would have been entitled to \$12,261 in back pay.

If Ms. Sims worked all 52 weeks in 2009 for Respondent, she would have earned \$21,840. Ms. Sims was unable to work after the February 2009 birth of her second child for 7

¹ To err on the side of caution this assumes that Ms. Sims' hourly rate of \$10.50 would not have increased from April 30, 2007, until the present.

² Calculation Chart attached as Attachment 3.

³ Again, to err on the side of caution any partial weeks are not being counted against Respondent.

⁴ See Ms. Sims' 2007 tax returns which were submitted during the hearing as Commission Exhibit 5 and attached here as Attachment 4.

⁵ See Ms. Sims' 2008 tax returns which were submitted during the hearing as Commission Exhibit 6 and attached here as Attachment 5.

weeks. Tr. 22, 25. According to Ms. Sims' tax records for 2009, she made \$6,240.⁶ In addition, 7 weeks at \$420 per week, or \$2,940, should be subtracted from this amount because of Ms. Sims' inability to work after the birth of her second child. Accordingly, Ms. Sims would have been entitled to \$12,660 in back pay for 2009.

Likewise, in 2010, if she had worked all 52 weeks, she would have earned \$21,840. According to her 2010 tax records, she made \$9,910.⁷ Accordingly, Ms. Sims would have been entitled to \$11,930 in back pay for 2010.

Again, in 2011 if she had worked all 52 weeks, she would have earned \$21,840. According to her 2011 tax records, she made \$16,195.⁸ Therefore, Ms. Sims would have been entitled to \$5,645 in back pay for 2011.

In 2012, if she had worked all 52 weeks she would have earned \$21,840. According to her 2012 tax records, she made \$14,101.⁹ Therefore, Ms. Sims would have been entitled to \$7,739 in back pay for 2012.

On January 1, 2013, Ms. Sims began making more than \$10.50 per hour. Accordingly, the accrual of back pay stopped on December 31, 2012. The total amount of back pay that Ms. Sims was entitled to on December 31, 2012, was \$57,913.

Ms. Sims is also entitled to statutory interest on the back pay that she should be awarded. Interest should be calculated until October 17, 2013.¹⁰ The total amount including statutory interest is \$69,315.28.¹¹

⁶ Ms. Sims' tax records for 2009, 2010, 2011 and 2012, were not available for the September 18, 2009, hearing and are being submitted via affidavit so that Respondent gets the actual benefit of all the interim earning that Ms. Sims had. Her affidavit and tax records are attached as Attachment 6. Her 2009 tax records are attached as the first page of her affidavit

⁷ Ms. Sims' 2010 tax records are attached as the second page of her affidavit.

⁸ Ms. Sims' 2011 tax records are attached as the third page of her affidavit.

⁹ Ms. Sims' 2012 tax records are attached as the fourth page of her affidavit.

¹⁰ In the interest of finality and in erring on the side of caution the Commission is suggesting that the accrual of interest stop as of the Commission's October 17, 2013, meeting date.

Therefore, Recommendation 3 should be modified to read:

Whether Complainant accepts Respondent's offer of employment, Respondent shall submit to the Commission by October 28, 2013, a certified check payable to Complainant for \$69,315.28.

III. CONCLUSION

For the reasons set out above, the Administrative Law Judge's ultimate conclusion should be adopted, along with all of her Findings of Fact, Conclusions of Law and Recommendations except proposed Conclusion of Law 24 and Recommendation 3. These two items should be modified to correct a typographical error and to include the actual damages that Complainant suffered. Accordingly, the Commission should adopt the proposed Final Order which incorporates these modifications and is attached as Attachment 8.

Respectfully submitted,

MIKE DEWINE
ATTORNEY GENERAL



STEFAN J. SCHMIDT (0047358)
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¹¹ Damages Plus Statutory Interest calculation attached as Attachment 7.



Ohio Civil Rights Commission

Governor
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Stephanie M. Mercado, Esq.
William W. Patmon, III
Tom Roberts
Rashmi N. Yajnik

G. Michael Payton, Executive Director

August 05, 2013

OHIO ATTORNEY
GENERAL'S OFFICE

AUG 06 2013

CIVIL RIGHTS
SECTION

Christina Nicole Sims
3219 Haskell Drive
Columbus, Ohio 43219

John L. Tanoury, Esq.
Ball & Tanoury, LPA
1010 Old Henderson Road Suite I
Columbus, Ohio 43220-3776

Re: *Christina Sims v. Westside Family Practice, Inc.*
COL E1 [34472] 05022007 22A-2007-05664-F Complaint No. 08-EMP-COL-34472

Enclosed is a copy of the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendation(s). 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 29, 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, 5th Floor, 30 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 / Stefan J. Schmidt, Esq. /
John Tanoury, Esq. / Christina Nicole Sims, Complainant. /
Denise M. Johnson, Chief Administrative Law Judge

Attachment 1

OHIO CIVIL RIGHTS COMMISSION

IN THE MATTER OF:

CHRISTINA N. SIMS

Complainant

Complaint No. 08-EMP-COL-34472

v.

WESTSIDE FAMILY PRACTICE, INC.

Respondent

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

**MIKE DeWine
ATTORNEY GENERAL**

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Counsel for Respondent

Counsel for the Commission

Christina Nicole Sims,
3219 Haskell Drive
Columbus, Ohio 43219

Respondent

ALJ'S REPORT BY:

Denise M. Johnson
Chief Administrative Law Judge
Ohio Civil Rights Commission
State Office Tower, 5th Floor
30 East Broad Street
Columbus, OH 43215-3414
Phone (614) 466-6684
Fax (614)644-8776

INTRODUCTION AND PROCEDURAL HISTORY

Christina Nicole Sims (Complainant) filed a sworn charge affidavit with the Ohio Civil Rights Commission (the Commission) on May 2, 2007.

The Commission found probable cause that Respondent engaged in unlawful discriminatory practices on March 13, 2008. The Commission attempted, but failed to resolve this matter by informal methods of conciliation. The Commission subsequently issued Complaint and Notice of Hearing on May 2, 2008.

The complaint alleged Respondent engaged in an unlawful discriminatory practice under R.C. 4112.02(A).

A public hearing was held on September 18th 2009, at the Ohio Civil Rights Commission, State Office Tower, 5th Floor, 30 E. Broad Street, Columbus, Ohio 43215.

At the hearing, the Commission proceeded on the allegations that Complainant was terminated by Respondent because Complainant was pregnant.

The record consists of the transcript of the hearing consisting of 139 pages; exhibits admitted into evidence during the hearing, the post hearing briefs of the Commission filed on June 11, 2010, and the post hearing brief of the Respondent filed on August 2, 2010.

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 May 2, 2007.

2. The Commission determined that it was probable that Respondent engaged in unlawful discriminatory practice in violation of Revised Code Section 4112.02(A).

3. The Commission attempted to resolve both matters by informal methods of conciliation. The Commission issued the Complaint after conciliation failed.

4. Respondent is a medical practice. Dr. Wesley Hard (Dr. Hard) is Respondent's owner and president.

5. Darlene Hard (Ms. Hard) is the wife of Dr. Hard and is Respondent's office manager. (Tr. 85)

6. Complainant found out about the position with Westside Family Practice through an advertisement placed in the newspaper. (Tr. 14).

7. The advertisement was for a full time medical assistant. (Tr. 14).

8. Ms. Hard is in charge of interviewing and hiring for Respondent. (Tr. 54).

9. Complainant faxed a resume to Westside Family Practice for the medical assistant position. (Tr. 15).

10. Complainant was interviewed by Ms. Hard during April 2007. (Tr. 51).

11. On or about Monday April 16, 2007, Respondent hired Complainant and she started work the next day.

12. Complainant's job duties included bringing patient's back, accepting co-pays, taking vitals, reading through doctor's chart and following through with any request from the doctor. (Tr. 17).

13. Complainant told Ms. Hard about her pregnancy on Friday April 27th in the break room. (Tr. 19, 22).

14. Complainant explained to Ms. Hard that she was seven months pregnant. (Tr.19).

15. Ms. Hard wrote that Complainant was terminated on April 27, 2007 on Complainant's time card.

16. On April 30th, 2007 Ms. Hard wrote no call, no show on Complainant's time card. (Ex. 3, Tr.63).

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.

1. The Commission alleged in the Complaint that Complainant was denied employment because she was pregnant.

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 ... sex, ... 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 term “because of sex” for the purposes of R.C. 4112.02(A) includes, but it is not limited to, discrimination based upon pregnancy, pregnancy-related illnesses, childbirth, or related conditions. R.C.4112.01(B). This division further provides that:

Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as

other persons not so affected but similar in their ability or inability to work ...

4. 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) and 4112.06(E).

5. Federal case law generally applies to alleged violations of R.C. Chapter 4112. *McFee v. Nursing Care Mgt. of Am., Inc.*, 126 Ohio St.3d 183 (2010).

6. Federal case law is especially relevant in this case because R.C. 4112.01(B) reads “almost verbatim to the Pregnancy Discrimination Act” of 1978 (PDA). *Priest v. TFH-EB, Inc. dba Electra Bore, Inc.*, 1998 Ohio App. LEXIS 1384; See 42. U.S.C. § 2000e(k).

7. Thus, 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), as amended by the PDA.

8. Under Title VII case law, 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, 5 FEP Cases 965 (1973).

9. The proof required to establish a *prima facie* case may vary on a case-by-case basis. *Id.*, at 802, 5 FEP Cases 969, n.13.

10. 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, 25 FEP Cases 113 (1981).

11. 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.¹

McDonnell Douglas, supra at 802, 5 FEP Cases at 969.

12. 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, 62 FEP Cases 96, 103 (1993), *quoting Burdine, supra* at 254-55, 25 FEP Cases at 116, n.8.

¹ 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, 25 FEP Cases at 116.

The defendant’s burden is merely to articulate through some proof a facially nondiscriminatory reason for (terminating) 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 reasoning was applied in a nondiscriminatory fashion.

EEOC v. Flasher Co., 60 FEP Cases 814, 817 (10th Cir. 1992) (citations and footnote omitted).

13. The presumption created by the establishment of a *prima facie* case “drops out of the picture” when the employer articulates a legitimate, nondiscriminatory reason for the employment action. *Hicks, supra* at 511, 62 FEP Cases at 100.

14. In this case, it is not necessary to determine whether the Commission proved a *prima facie* case. Respondent’s articulation of legitimate, nondiscriminatory reasons for Complainant’s termination 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, 713, 31 FEP Cases 609, 611 (1983), quoting *Burdine, supra* at 255, 25 FEP Cases at 116.

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

Aikens, supra at 713, 31 FEP Cases at 611.

15. Respondent met its burden of production with the introduction of evidence that the Complainant was asked on April 27th to provide a doctor's statement regarding what restrictions she had regarding her pregnancy and that Complainant quit by not showing up to work on Monday April 30th.

16. Respondent having met its burden of production, the Commission must prove that Respondent unlawfully discriminated against Complainant because of her sex (pregnancy). *Hicks, supra* at 511, 62 FEP Cases at 100. The Commission must show by a preponderance of the evidence that Respondent's articulated reasons for failure to hire Complainant were not the true reasons, but were "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.

17. Thus, even in the Commission proves that Respondent's articulated reasons are false or incomplete, the Commission does not automatically succeed in meeting 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 ... [sex] is correct. That remains a question for the fact finder to answer

Id., at 524, 62 FEP Cases at 106.

18. Ultimately, the Commission must provide sufficient evidence for the fact-finder to infer Complainant was, more likely than not, the victim of sex discrimination.

19. In order to show pretext, the Commission may directly or indirectly challenge the credibility of Respondent's articulated reasons for failing to hire Complainant.

20. The Commission may directly challenge the credibility of Respondent's articulated reasons by showing that they had no basis *in fact* or were *insufficient* to motivate the employment decision. *Manzer v. Diamond Shamrock Chemicals Co.*, 29 F.3d 1078, 1084 (6th Cir. 1994).

21. Such direct attacks, if successful, permit the fact-finder to infer intentional discrimination from the rejection of the reasons 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.²

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

² 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.

22. The Commission may indirectly challenge the credibility of Respondent's reasons by showing that the sheer weight of the circumstantial evidence makes it "more likely than not" that the reasons are a pretext for unlawful discrimination. *Manzer, supra* at 1084.

23. In the instant case the Commission challenged the credibility of Respondent's reasons.

24. I believed the testimony of the Complainant that when she disclosed to Ms. Hard that she was pregnant on Friday April 30, 2007 that Ms. Hard became upset and told Complainant that she needed to clock out and don't come back. (Tr. 38).

25. The Commission introduced direct evidence that Respondent terminated Complainant based on her pregnancy.

"Direct evidence is that evidence which, if believed, requires the conclusion that unlawful discrimination was at least a motivating factor in the employer's actions."

Jacklyn v. Schering-Plough Healthcare Prods. Sales Corp., 176 F.3d. 921, 926 (6th Cir. 1999).

26. During the Commission's investigation of Complainant's charge, Ms. Hard stated that had she known that Complainant was pregnant she would not have hired her.³ (Tr.64).

27. Respondent wrote on Complainant's time card on Friday, April 27th 2007, the day the Complaint told Ms. Hard of her pregnancy, "TERMINATED 4/27/2007." (Ex. 3).

28. On Monday, April 30th 2007, the same time card shows "No Call, No Show."

29. Pretext can also be shown by disparate treatment. The Commission alleged that a similarly-situated non pregnant employee was treated more favorably than Complainant. *Mitchell v. Toledo Hosp.*, 964 F.2d 577, 583 (6th Cir. 1992).

³ At the time of Complainant's hiring Ms. Hard had never received training or classes on anti-discrimination law. (Tr. 53)

30. The Commission must prove that the comparable was similarly situated to Complainant “in all relevant aspects” of employment. *Barry v. Noble Metal Processing, Inc.*, 276 Fed. Appx. 477, 480 (6th Cir. 2008) citing *Ercegovich v. Goodyear Tire & Rubber Co.*, 154 F. 3d 344, 352 (6th Cir. 1998) (internal quotation marks omitted).

To be deemed “similarly situated”, the individuals with whom ... the [Complainant] seeks to compare ... [his] treatment must have dealt with the same supervisor, have been subject to the same standards and have engaged in the same conduct without such differentiating or mitigating circumstances that would distinguish their conduct or the employer’s treatment of them for it.

Mitchell, supra at 583 (6th Cir. 1992) (citations omitted).

31. The Commission introduced credible evidence that other non pregnant employees who had restrictions due to medical conditions were not terminated but were permitted to submit

doctor's notes which were accommodated by Respondent. (Tr. 79 , 80).

32. The conduct of Ms. Hard supports a determination that Complainant was terminated from employment based on illegal discriminatory conduct in violation of R.C. 411202(A).

RECOMMENDATIONS

For all of the foregoing reasons, it is recommended in Complaint No. 9887 that:

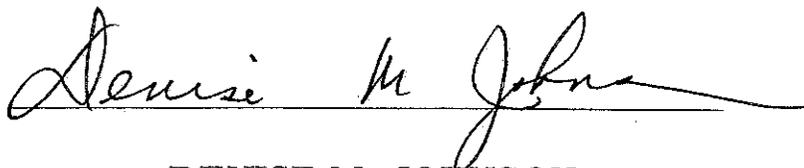
1. The Commission order Respondent to cease and desist from all discriminatory practices in violation of R.C. Chapter 4112;

2. The Commission order Respondent to make an offer of employment to Complainant within 10 days of the Commission's Final Order for the position of Medical Assistant. If Complainant accepts Respondent's offer of employment, Complainant shall be paid the same wage she would have been paid had she been employed as a STNA on April 30, 2007 and continued to be so employed up to the date of Respondent's offer of employment; and

3. Whether Complainant accepts Respondent's offer of employment, Respondent shall submit to the Commission within 10 days of the offer of employment a certified check payable to Complainant for the amount that Complainant would have earned had she been

employed as a Medical Assistant April 30, 2007 and continued to be so employed up to the date of Respondent's offer of employment, including any raises and benefits she would have received, less her interim earnings, plus interest at the maximum rate allowed by law.⁴

4. Within six months of the date of the Commission's Final Order the Respondent's management staff takes training in Ohio's laws against discrimination.



DENISE M. JOHNSON
CHIEF ADMINISTRATIVE LAW JUDGE

August, 05, 2013

⁴ Any ambiguity in the amount that Complainant would have earned during this period or benefits that she would have received should be resolved against Respondent. Likewise, any ambiguity in calculating Complainant's interim earnings should be resolved against Respondent.

2007

January 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

July 2007

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28			

August 2007

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

March 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2007

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

April 2007

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2007

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

May 2007

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2007

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

June 2007

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2007

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

Damage Calculation Chart

Christina Sims was making \$10.50 per hour and working 40 hours per week. $40 \times \$10.50 = \420

2007 Back Pay = \$7,587

35 wks (4-30-07 – 12-30-07) x \$420 per wk = \$14,700

35 wks minus 7 wks (wks she could not work after the birth of her first baby) = 28 weeks

28 wks times \$420 = \$11,760

2007 interim earnings of \$4,173

\$11,760 minus \$4,173 = \$7,587

2008 Back Pay = \$12,261

51 wks (1-7-08 – 12-28-08) x \$420 per wk = \$21,420

2008 interim earnings of \$9,159

\$21,420 minus \$9,159 = \$12,261

2009 Back Pay = \$12,660

52 wks (all of 2009) x \$420 per wk = \$21,840

52 wks minus 7 wks (wks she could not work after the birth of her second baby) = 45 weeks

45 wks times \$420 = \$18,900

2009 interim earnings of \$6,240

\$18,900 minus \$6,240 = \$12,660

2010 Back Pay = \$11,930

52 wks (all of 2010) x \$420 per wk = \$21,840

2010 interim earnings of \$9,910

\$21,840 minus \$9,910 = \$11,930

2011 Back Pay = \$5,645

52 wks (all of 2011) x \$420 per wk = \$21,840

2011 interim earnings of \$16,195

\$21,840 minus \$16,195 = \$5,645

2012 Back Pay = \$7,739

52 wks (all of 2012) x \$420 per wk = \$21,840

2012 interim earnings of \$14,101

\$21,840 minus \$14,101 = \$7,739

Total Back Pay

2007	\$7,587
2008	\$12,261
2009	\$12,660
2010	\$11,930
2011	\$5,645
2012	\$7,739

Total \$57,822 (principal) + \$11,493.28 (statutory interest) = \$69,315.28

Department of the Treasury
Internal Revenue Service

Do not send to the IRS. This is not a tax return.
Keep this form for your records. See instructions.

2007

Declaration Control Number (DCN) 00-310722-8

Taxpayer's name: CHRISTINA N SIMS
Social security number: [REDACTED]
Spouse's name: [REDACTED]
Spouse's social security number: [REDACTED]

Part I Tax Return Information - Tax Year Ending December 31, 2007 (Whole Dollars Only)

1	Adjusted gross income (Form 1040, line 38; Form 1040A, line 22; Form 1040EZ, line 4)	1	4,173.
2	Total tax (Form 1040, line 63; Form 1040A, line 37; Form 1040EZ, line 10)	2	0.
3	Federal income tax withheld (Form 1040, line 64; Form 1040A, line 38; Form 1040EZ, line 7)	3	174.
4	Refund (Form 1040, line 74a; Form 1040A, line 44a; Form 1040EZ, line 11a; Form 1040-SS, Part I, line 12a)	4	1,594.
5	Amount you owe (Form 1040, line 76; Form 1040A, line 46; Form 1040EZ, line 12)	5	

Part II Taxpayer Declaration and Signature Authorization (Be sure you get and keep a copy of your return)

Under penalties of perjury, I declare that I have examined a copy of my electronic individual income tax return and accompanying schedules and statements for the tax year ending December 31, 2007, and to the best of my knowledge and belief, it is true, correct, and complete. I further declare that the amounts in Part I above are the amounts from my electronic income tax return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send my return to the IRS and to receive from the IRS (a) an acknowledgement of receipt or reason for rejection of the transmission, (b) an indication of any refund offset, (c) the reason for any delay in processing the return or refund, and (d) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an ACH electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of my Federal taxes owed on this return and/or a payment of estimated tax, and the financial institution to debit the entry to this account. I further understand that this authorization may apply to future Federal tax payments that I direct to be debited through the Electronic Federal Tax Payment System (EFTPS). In order for me to initiate future payments, I request that the IRS send me a personal identification number (PIN) to access EFTPS. This authorization is to remain in full force and effect until I notify the U.S. Treasury Financial Agent to terminate the authorization. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I further acknowledge that the personal identification number (PIN) below is my signature for my electronic income tax return and, if applicable, my Electronic Funds Withdrawal Consent.

Taxpayer's PIN: check one box only

I authorize HR BLOCK to enter or generate my PIN 14700
as my signature on my tax year 2007 electronically filed income tax return. ERO firm name do not enter all zeros

I will enter my PIN as my signature on my tax year 2007 electronically filed income tax return. Check this box only if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Your signature _____ Date 02/08/2008

Spouse's PIN: check one box only

I authorize _____ to enter or generate my PIN _____
as my signature on my tax year 2007 electronically filed income tax return. ERO firm name do not enter all zeros

I will enter my PIN as my signature on my tax year 2007 electronically filed income tax return. Check this box only if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Spouse's signature _____ Date _____

Practitioner PIN Method Returns Only - continue below

Part III Certification and Authentication - Practitioner PIN Method Only

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN. 31072259427
do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature for the tax year 2007 electronically filed income tax return for the taxpayer(s) indicated above. I confirm that I am submitting this return in accordance with the requirements of the Practitioner PIN method and Publication 1345, Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns.

ERO's signature _____ Date 02/08/2008

**ERO Must Retain This Form - See Instructions
Do Not Submit This Form to the IRS Unless Requested To Do So**

COMMISSION EXHIBIT

KBA For Privacy Act and Paperwork Reduction Act Notice, see page 2 of form.

5
Attachment 4

Safe, accurate, FAST! Use **efile** Visit the IRS Web Site at www.irs.gov/efile.

Employee Reference Copy
W-2 Wage and Tax Statement 2007
 OMB No. 1545-0008

Copy C for employee's records

d Control number	Dept.	Corp.	Employer use only
228012 18/ND8	104031		A EIC 1122

c Employer's name, address, and ZIP code
 TELEPERFORMANCE USA INC
 4335 EQUITY DRIVE
 COLUMBUS OH 43228
 Batch #01983

ef Employee's name, address, and ZIP code
 CHRISTINA N SIMS
 3219 HASKELL DR
 COLUMBUS, OH 43219

b Employer's FED ID number	a Employee's SSA number
87-0512021	[REDACTED]
1 Wages, tips, other comp.	2 Federal income tax withheld
1664.53	
3 Social security wages	4 Social security tax withheld
1664.53	103.20
5 Medicare wages and tips	6 Medicare tax withheld
1664.53	24.14
7 Social security tips	8 Allocated tips
9 Advance EIC payment	10 Dependent care benefits
11 Nonqualified plans	12a See instructions for box 12
14 Other	12b
	12c
	12d
	13 Stat emp Ret. plan 3rd party sick pay
15 State Employer's state ID no.	16 State wages, tips, etc.
OH 52-574521	1664.53
17 State income tax	18 Local wages, tips, etc.
20.67	1664.53
19 Local income tax	20 Locality name
33.28	01-COLUM

2007 W-2 and EARNINGS SUMMARY

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2007 pay stub plus any adjustments submitted by your employer.

Gross Pay	1664.53	Social Security Tax Withheld Box 4 of W-2	103.20	OH. State Income Tax Box 17 of W-2	20.67
Fed. Income Tax Withheld Box 2 of W-2		Medicare Tax Withheld Box 6 of W-2	24.14	Local Income Tax Box 19 of W-2	33.28
				SUI/SDI Box 14 of W-2	

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	OH. State Wages, Tips, Etc. Box 16 of W-2	01-COLUM Local Wages, Tips, Etc. Box 18 of W-2
Gross Pay	1,664.53	1,664.53	1,664.53	1,664.53	1,664.53
Reported W-2 Wages	1,664.53	1,664.53	1,664.53	1,664.53	1,664.53

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

CHRISTINA N SIMS
 3219 HASKELL DR
 COLUMBUS, OH 43219

Social Security Number: [REDACTED]
 Taxable Marital Status: SINGLE

Exemptions/Allowances:

FEDERAL: 4
 STATE: 2
 LOCAL: 4

EMPLOYEE W-2 WAGE SUMMARY 2007

0044-6532 000200

WESTSIDE FAMILY PRACTICE INC
100 N MURRAY HILL ROAD
COLUMBUS OH 43228

FEDERAL WITHHOLDING EXEMPTIONS § 2
OH WITHHOLDING EXEMPTIONS § 2

For 2007, you have no payroll adjustments which affected your federal wages (Box 1) or state wages. Therefore, the wages on your final 2007 check statement should be the same as the wages reported on your W-2 statement.

REGULAR WAGES FOR 2007 506.63

CHRISTINA SIMS
2031 OLD COLONY LANE APT D
COLUMBUS OH 43207

08005

PAYROLLS BY **PAYCHEX**®

Copy C, for employees records

Form W-2 Wage and Tax Statement 2007

a Control number 0044-6532 000091-000200		Void	c Employer's name, address, and ZIP code WESTSIDE FAMILY PRACTICE INC 100 N MURRAY HILL ROAD COLUMBUS OH 43228		Department of the Treasury - Internal Revenue Service OMB No. 1545-0008	
b Employer's identification number 31-1206291		d Employee's social security number [REDACTED]		1 Wages, tips, other compensation 506.63	2 Federal income tax withheld	
13 Statutory employee		Retirement plan		3 Social security wages 506.63		4 Social security tax withheld 31.41
12 See Instrs. for Box 12		14 Other		e Employee's name, address, and ZIP code CHRISTINA SIMS 2031 OLD COLONY LANE APT D COLUMBUS OH 43207		5 Medicare wages and tips 506.63
				6 Medicare tax withheld 7.35		7 Social security tips
				8 Medicare tax withheld 7.35		8 Allocated tips
				9 Advance EIC payment		10 Dependent care benefits
				11 Nonqualified plans		
15 State OH	Employer's state ID No. 51-880741 7	16 State wages, tips, etc. 506.63	17 State income tax 3.59	18 Local wages, tips, etc.	19 Local income tax	20 Locality name

This information is being furnished to the Internal Revenue Service

Declaration Control Number (DCN) 00-312299-9

Taxpayer's name CHRISTINA N SIMS Social security number [redacted] Spouse's name [redacted] Spouse's social security number [redacted]

Part I Tax Return Information - Tax Year Ending December 31, 2008 (Whole Dollars Only)

Table with 2 columns: Line number and Amount. Line 1: Adjusted gross income 9,159. Line 2: Total tax 0. Line 3: Federal income tax withheld 120. Line 4: Refund 3,260. Line 5: Amount you owe.

Part II Taxpayer Declaration and Signature Authorization (Be sure you get and keep a copy of your return)

Under penalties of perjury, I declare that I have examined a copy of my electronic individual income tax return and accompanying schedules and statements for the tax year ending December 31, 2008, and to the best of my knowledge and belief, it is true, correct, and complete.

Taxpayer's PIN: check one box only

[X] I authorize HR BLOCK ERO firm name to enter or generate my PIN 14700 as my signature on my tax year 2008 electronically filed income tax return. Enter five numbers, but do not enter all zeros.

[] I will enter my PIN as my signature on my tax year 2008 electronically filed income tax return. Check this box only if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Your signature [redacted] COPY ONLY Date 02/06/2009

Spouse's PIN: check one box only

[] I authorize [redacted] ERO firm name to enter or generate my PIN [redacted] as my signature on my tax year 2008 electronically filed income tax return. Enter five numbers, but do not enter all zeros.

[] I will enter my PIN as my signature on my tax year 2008 electronically filed income tax return. Check this box only if you are entering your own PIN and your return is filed using the Practitioner PIN method. The ERO must complete Part III below.

Spouse's signature [redacted] COPY ONLY Date

Practitioner PIN Method Returns Only - continue below

Part III Certification and Authentication - Practitioner PIN Method Only

ERO's EFIN/PIN. Enter your six-digit EFIN followed by your five-digit self-selected PIN. 31229937654 do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature for the tax year 2008 electronically filed income tax return for the taxpayer(s) indicated above. I confirm that I am submitting this return in accordance with the requirements of the Practitioner PIN method and Publication 1345, Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns.

ERO's signature [redacted] Date 02/06/2009

ERO Must Retain This Form - See Instructions Do Not Submit This Form to the IRS Unless Requested To Do So

COMMISSION EXHIBIT

KBA For Privacy Act and Paperwork Reduction Act Notice, see page 2 of form.

6 Attachment 5

Employer's name, address, and ZIP code LIMITED LOGISTICS SERVICES, INC TWO LIMITED PARKWAY COLUMBUS OH 43230		31-1187477		12a See instructions for box 12 \$ 614.42	1 Wages, tips, other compensation 614.42	2 Federal income tax withheld 10.87
Employee's first name and initial CHRISTINA N SIMS		Last name SIMS		12b \$	3 Social security wages 614.42	4 Social security tax withheld 38.09
Employee's address and ZIP code 3219 HASKELL DR COLUMBUS OH 43219-3236		12c \$		12d \$	5 Medicare wages and tips 614.42	6 Medicare tax withheld 8.91
12e \$		12f \$		7 Social security tips	8 Allocated tips	
12g \$		12h \$		9 Advance EIC payment	10 Dependent care benefits	
12i \$		12j \$		11 Nonqualified plans	13 Statutory employee Retirement plan Third-party sick pay <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
12k \$		12l \$		14 Other		
12m \$		12n \$		Copy B To Be Filed With Employee's FEDERAL Tax Return		
12o \$		12p \$		a Employee's social security number [REDACTED]		
State OH	Employer's state ID number 52110531	16 State wages, tips, etc. 614.42	17 State income tax 10.30	18 Local wages, tips, etc. 614.42	19 Local income tax 9.22	20 Locality name REYNLDSBRG

W-2 Wage and Tax Statement 2008 Department of the Treasury—Internal Revenue Service OMB # 1545-0008 Copy B To Be Filed With Employee's FEDERAL Tax Return

Employer's name, address, and ZIP code LIMITED LOGISTICS SERVICES, INC TWO LIMITED PARKWAY COLUMBUS OH 43230		31-1187477		12a See instructions for box 12 \$ 614.42	1 Wages, tips, other compensation 614.42	2 Federal income tax withheld 10.87
Employee's first name and initial CHRISTINA N SIMS		Last name SIMS		12b \$	3 Social security wages 614.42	4 Social security tax withheld 38.09
Employee's address and ZIP code 3219 HASKELL DR COLUMBUS OH 43219-3236		12c \$		12d \$	5 Medicare wages and tips 614.42	6 Medicare tax withheld 8.91
12e \$		12f \$		7 Social security tips	8 Allocated tips	
12g \$		12h \$		9 Advance EIC payment	10 Dependent care benefits	
12i \$		12j \$		11 Nonqualified plans	13 Statutory employee Retirement plan Third-party sick pay <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
12k \$		12l \$		14 Other		
12m \$		12n \$		Copy 2 To Be Filed With Employee's STATE, CITY or LOCAL Income Tax Return		
12o \$		12p \$		a Employee's social security number [REDACTED]		
State OH	Employer's state ID number 52110531	16 State wages, tips, etc. 614.42	17 State income tax 10.30	18 Local wages, tips, etc. 614.42	19 Local income tax 9.22	20 Locality name REYNLDSBRG

W-2 Wage and Tax Statement 2008 Department of the Treasury—Internal Revenue Service OMB # 1545-0008 Copy 2 To Be Filed With Employee's STATE, CITY or LOCAL Income Tax Return

1 Control number	1 Wages, tips, other compensation 18.00	2 Federal income tax withheld
2 Employer identification number 65-0314170	3 Social security wages 18.00	4 Social security tax withheld 1.12
3 Employee's social security number [REDACTED]	5 Medicare wages and tips 18.00	6 Medicare tax withheld 0.26

4 Employer's name, address and ZIP code
ALPHASTAFF GROUP, INC
AGENT FOR: ALPHASTAFF SYSTEMS V INC
800 CORPORATE DR, STE 600
FT LAUDERDALE FL 33334

7 Social security tips	8 Allocated tips	9 Advance EIC payment
10 Dependent care benefits	11 Nonqualified plans	12a Code
12b Code	12c Code	12d Code
13 Statutory Employee	Retirement Plan	Third Party Sick Pay
14 Other		

5 Employee's name, address and ZIP code
CHRISTINA N SIMS
3219 HASKELL DR
COLUMBUS OH 43219

15 State	Employer's state I.D. no.	16 State wages, tips, etc.
OH	52-568526	18.00
OH	52-568526	
17 State income tax	18 Local wages, tips, etc.	
		18.00
19 Local income tax	20 Locality name	
0.14	COLUMBUS, OH	
0.23	WESTERVILLE, OH	

Department of the Treasury - Internal Revenue Service

2008 Form W-2
Wage and Tax Statement
Copy 2-To Be Filed With
Employee's State, City, or
Local Income Tax Return.

1 Control number	1 Wages, tips, other compensation 18.00	2 Federal income tax withheld
2 Employer identification number 65-0314170	3 Social security wages 18.00	4 Social security tax withheld 1.12
3 Employee's social security number [REDACTED]	5 Medicare wages and tips 18.00	6 Medicare tax withheld 0.26

4 Employer's name, address and ZIP code
ALPHASTAFF GROUP, INC
AGENT FOR: ALPHASTAFF SYSTEMS V INC
800 CORPORATE DR, STE 600
FT LAUDERDALE FL 33334

7 Social security tips	8 Allocated tips	9 Advance EIC payment
10 Dependent care benefits	11 Nonqualified plans	12a Code
12b Code	12c Code	12d Code
13 Statutory Employee	Retirement Plan	Third Party Sick Pay
14 Other		

5 Employee's name, address and ZIP code
CHRISTINA N SIMS
3219 HASKELL DR
COLUMBUS OH 43219

15 State	Employer's state I.D. no.	16 State wages, tips, etc.
OH	52-568526	18.00
OH	52-568526	
17 State income tax	18 Local wages, tips, etc.	
		18.00
19 Local income tax	20 Locality name	
0.14	COLUMBUS, OH	
0.23	WESTERVILLE, OH	

Department of the Treasury - Internal Revenue Service

2008 Form W-2
Wage and Tax Statement
Copy 2-To Be Filed With
Employee's State, City, or
Local Income Tax Return.



2008 W-2 and EARNINGS SUMMARY



This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2008 pay stub plus any adjustments submitted by your employer.

Gross Pay	526.75	Social Security Tax Withheld Box 4 of W-2	32.66	OH. State Income Tax Box 17 of W-2	5.71
Fed. Income Tax Withheld Box 2 of W-2		Medicare Tax Withheld Box 6 of W-2	7.64	Local Income Tax Box 19 of W-2	10.53
				SUI/SDI Box 14 of W-2	

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	OH. State Wages, Tips, Etc. Box 16 of W-2	01-COLUM Local Wages, Tips, Etc. Box 18 of W-2
Gross Pay	526.75	526.75	526.75	526.75	526.75
Reported W-2 Wages	526.75	526.75	526.75	526.75	526.75

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

**CHRISTINA N SIMS
3219 HASKELL DR
COLUMBUS, OH 43219**

Social Security Number: [REDACTED]
Taxable Marital Status: SINGLE
Exemptions/Allowances:
FEDERAL: 4
STATE: 2
LOCAL: 4

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Safe, accurate, FAST! Use **e-file** Visit the IRS Web Site at www.irs.gov/efile.

Employee Reference Copy
W-2 Wage and Tax Statement 2008
OMB No. 1545-0008

Copy C for employee's records.

Control number 228012 18/ND8	Dept. 104031	Corp.	Employer use only T EIC 2737
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Employer's name, address, and ZIP code
**TELEPERFORMANCE USA INC
4335 EQUITY DRIVE
COLUMBUS OH 43228**

Batch #01642

Employee's name, address, and ZIP code
**CHRISTINA N SIMS
1219 HASKELL DR
COLUMBUS, OH 43219**

Employer's FED ID number 87-0512021	a Employee's SSA number [REDACTED]
Wages, tips, other comp. 526.75	2 Federal income tax withheld
Social security wages 526.75	4 Social security tax withheld 32.66
Medicare wages and tips 526.75	6 Medicare tax withheld 7.64
Social security tips	8 Allocated tips
Advance EIC payment	10 Dependent care benefits
Nonqualified plans	12a See instructions for box 12
Other	12b
	12c
	12d
	13 Stat emp Ret. plan 3rd party sick pay
State Employer's state ID no. OH 52-5745212	16 State wages, tips, etc. 526.75
State income tax 5.71	18 Local wages, tips, etc. 526.75
Local income tax 10.53	20 Locality name 01-COLUM

2008 W-2 and EARNINGS SUMMARY

Safe, accurate, FAST! Use **IRS e-file** Visit the IRS Web Site at www.irs.gov/efile.

Employee Reference Copy W-2 Wage and Tax Statement 2008

OMB No. 1545-0008

This blue Earnings Summary section is included with your W-2 to help describe portions in more detail. The reverse side includes general information that you may also find helpful.

1. The following information reflects your final 2008 pay stub plus any adjustments submitted by your employer.

Gross Pay	252.00	Social Security Tax Withheld Box 4 of W-2	15.62	OH. State Income Tax Box 17 of W-2	1.77
Fed. Income Tax Withheld Box 2 of W-2		Medicare Tax Withheld Box 6 of W-2	3.85	Local Income Tax Box 19 of W-2	5.04
				SUI/SDI Box 14 of W-2	

2. Your Gross Pay was adjusted as follows to produce your W-2 Statement.

	Wages, Tips, other Compensation Box 1 of W-2	Social Security Wages Box 3 of W-2	Medicare Wages Box 5 of W-2	OH. State Wages, Tips, Etc. Box 16 of W-2	01-COLUM Local Wages, Tips, Etc. Box 18 of W-2
Gross Pay	252.00	252.00	252.00	252.00	252.00
Reported W-2 Wages	252.00	252.00	252.00	252.00	252.00

3. Employee W-4 Profile. To change your Employee W-4 Profile Information, file a new W-4 with your payroll dept.

CHRISTINA NICOLE SIMS
3219 HASKELL DR.
COLUMBUS, OH 43219

Social Security Number: [REDACTED]
Taxable Marital Status: **SINGLE**
Exemptions/Allowances:
FEDERAL: 3
STATE: 1
LOCAL: 3

d Control number 603410 18/BRP		Dept. 410	Corp.	Employer use only T EIC 384	
c Employer's name, address, and ZIP code HEINZERLING FOUNDATION 1800 HEINZERLING DR COLUMBUS OH 43223 Batch #01561					
e/f Employee's name, address, and ZIP code CHRISTINA NICOLE SIMS 3219 HASKELL DR. COLUMBUS, OH 43219					
b Employer's FED ID number 31-0668084			a Employee's SSA number [REDACTED]		
1 Wages, tips, other comp. 252.00	2 Federal income tax withheld				
3 Social security wages 252.00	4 Social security tax withheld 15.62				
5 Medicare wages and tips 252.00	6 Medicare tax withheld 3.85				
7 Social security tips	8 Allocated tips				
9 Advance EIC payment	10 Dependent care benefits				
11 Nonqualified plans	12a See instructions for box 12				
14 Other	12b				
	12c				
	12d				
	13 Stat emp Ret. plan 3rd party sick pay				
15 State Employer's state ID no. OH 51-0833106	16 State wages, tips, etc. 252.00				
17 State income tax 1.77	18 Local wages, tips, etc. 252.00				
19 Local income tax 5.04	20 Locality name 01-COLUM				

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Fold and Detach Here

1 Wages, tips, other compensation 8574.00		2 Federal income tax withheld 109.00	
3 Social security wages 8574.00		4 Social security tax withheld 531.59	
5 Medicare wages and tips 8574.00		6 Medicare tax withheld 124.32	
d Control number 260		b Employer ID number (EIN) 14-1883689	
c Employer's name, address, and ZIP code INDEPENDENT HOME CARE INC. 4040 E. BROAD STREET COLUMBUS, OH 43213			
7 Social security tips		8 Allocated tips	
9 Advance EIC payment		10 Dependent care benefits	
11 Nonqualified plans		12a	
		12b	
		12c	
		12d	
a Employee's social security no. [REDACTED]		13 Stat Emp Rel. plan Third party	
a Employee's name CHRISTINA SIMS			
f Employee's address and ZIP code 3219 HASKELL DRIVE COLUMBUS, OH 43219			
15 State OH	Employer's state ID number 52-624194	15 State 2)	Employer's state ID number
16 State wages, tips, etc. 8574.00		17 State income tax 97.51	
18 Local wages, tips, etc. 8574.00	19 Local income tax 171.48	20 Locality name COLUMBUS	

Form **W-2** Wage and Tax Statement
Copy C For Employer's Records
2008
OMB No. 1545-0008

Instructions for Employee

Box 1. Enter this amount on the wages line of your tax return.
Box 2. Enter this amount on the federal income tax withheld line of your tax return.
Box 3. This amount is not included in boxes 1, 3, 5, or 7. For information on how to report tips on your tax return, see your Form 1040 instructions.
Box 8. Enter this amount on the advance earned income credit payments line of your Form 1040 or Form 1040A.
Box 10. This amount is the total dependent care benefits that your employer paid to you or incurred on your behalf (including amounts from a section 125 (cafeteria) plan). Any amount over \$5,000 is also included in box 1. You must complete Schedule 2 (Form 1040A) or Form 2441, Child and Dependent Care Expenses, to compute any taxable and nontaxable amounts.
Box 11. This amount is (a) reported in box 1 if it is a distribution made to you from a nonqualified deferred compensation or nongovernmental section 457(b) plan or (b) included in box 3 and/or 5 if it is a prior year deferral under a nonqualified or section 457(b) plan that became taxable for social security and Medicare taxes this year because there is no longer a substantial risk of forfeiture of your right to the deferred amount.
Box 12. The following list explains the codes shown in box 12. You may need this information to complete your tax return. Elective deferrals (codes D, E, F, and S) and designated Roth contributions (codes AA and BB) under all plans are generally limited to a total of \$15,500 (\$10,500 if you only have SIMPLE plans; \$18,500 for section 403(b) plans if you qualify for the 15-year rule explained in Pub. 571). Deferrals under code G are limited to \$15,500. Deferrals under code H are limited to \$7,000.
 However, if you were at least age 50 in 2008, your employer may have allowed an additional deferral of up to \$5,000 (\$2,500 for section 401(k)(1) and 408(p) SIMPLE plans). This additional deferral amount is not subject to the overall limit on elective deferrals. For code G, the limit on elective deferrals may be higher for the last 3 years before you reach retirement age. Contact your plan administrator for more information. Amounts in excess of the overall elective deferral limit must be included in income. See the "Wages, Salaries, Tips, etc." line instructions for 1040. Note, if a year follows code D, E, F, G, H, or S, you made a make-up pension contribution for a prior year(s) when you were in military service. To figure whether you made excess deferrals, consider these amounts for the year shown, not the current year. If no year is shown, the contributions are for the current year.
 A—Uncollected social security or RRTA tax on tips. Include this tax on Form 1040. See "Total Tax" in the Form 1040 Instructions.
 B—Uncollected Medicare tax on tips. Include this tax on Form 1040. See "Total Tax" in the Form 1040 Instructions.
 C—Taxable cost of group-term life insurance over \$50,000 (included in boxes 1, 3 (up to social security wage base), and 5).
 D—Elective deferrals to a section 401(k) cash or deferred arrangement. Also includes deferrals under a SIMPLE retirement account that is part of a section 401(k) arrangement.
 E—Elective deferrals under a section 403(b) salary reduction agreement.
 F—Elective deferrals under a section 408(k)(6) salary reduction SEP.
 G—Elective deferrals and employer contributions (including earned income credit (EIC)). You must file a tax return if any amount is shown in box 9. You may be able to take the EIC for 2008 if (a) you do not have a qualifying child and you earned less than \$12,880 (\$15,880 if married filing jointly), (b) you have one qualifying child and you earned less than \$33,995 (\$38,995 if married filing jointly), or (c) you have more than one qualifying child and you earned less than \$38,846 (\$41,846 if married filing jointly). You and any qualifying children must have valid social security numbers (SSNs). You cannot take the EIC if your investment income is more than \$2,950.
 H—Nonelective deferrals to a section 457(b) deferred compensation plan.
 I—Elective deferrals to a section 501(c)(18)(D) tax-exempt organization plan. See "Adjusted Gross Income" in the Form 1040 instructions for how to deduct.
 J—Nontaxable sick pay (information only, not included in boxes 1, 3, or 5).
 K—20% excise tax on excess golden parachute payments. See "Total Tax" in the Form 1040 Instructions.
 L—Substantiated employee business expense reimbursements (nontaxable).
 M—Uncollected social security or RRTA tax on taxable cost of group-term life insurance over \$50,000 (former employees only). See "Total Tax" in the Form 1040 Instructions.
 N—Uncollected Medicare tax on taxable cost of group-term life insurance over \$50,000 (former employees only). See "Total Tax" in the Form 1040 Instructions.
 P—Excludable moving expense reimbursements paid directly to employee (not included in boxes 1, 3, or 5).
 Q—Nontaxable combat pay. See the instructions for Form 1040 or Form 1040A for details on reporting this amount.
 R—Employer contributions to your Archer MSA. Report on Form 8853, Archer MSAs and Long-Term Care Insurance Contracts.
 S—Employee salary reduction contributions under a section 408(p) SIMPLE (not included in box 1).
 T—Adoption benefits (not included in box 1). You must complete Form 8839, Qualified Adoption Expenses, to compute any taxable and nontaxable amounts.
 V—Income from exercise of nonstatutory stock option(s) (included in boxes 1, 3 (up to social security wage base), and 5).
 W—Employer contributions to your Health Savings Account. Report on Form 8889, Health Savings Accounts (HSAs).
 Y—Deferrals under a section 408A nonqualified deferred compensation plan.
 Z—Income under section 409A on a nonqualified deferred compensation plan. This amount is also included in box 1. It is subject to an additional 20% tax plus interest. See "Total Tax" in the Form 1040 Instructions.
 AA—Designated Roth contributions under a section 401(k) plan.
 BB—Designated Roth contributions under a section 403(b) plan.
 Box 13. If the "Retirement plan" box is checked, special limits may apply to the amount of traditional IRA contributions that you may deduct. Note. Keep Copy C of Form W-2 for at least 3 years after the due date for filing your income tax return. However, to help protect your social security benefits, keep Copy C until you begin receiving social security benefits, just in case there is a question about your work record and/or earnings in a particular year. Compare the Social Security Wages and the Medicare wages to the information shown on your Form 1040 (for workers over 25) Social Security Statement.

CHRISTINA SIMS
3219 HASKELL DRIVE
COLUMBUS, OH 43219

Corrections. If your name, SSN, or address is incorrect, correct Copies B, C, and 2 and ask your employer to correct your employment record. Be sure to ask the employer to file Form W-2c, Corrected Wage and Tax Statement, with the Social Security Administration (SSA) to correct any name, SSN, or money amount error reported to the SSA on Form W-2. If your name and SSN are correct but are not the same as shown on your social security card, you should ask for a new card that displays your correct name at any SSA office or by calling 1-800-772-1213.

Credit for excess taxes. If you had more than one employer in 2008 and more than \$6,324.00 in social security and/or Tier I railroad retirement (RRTA) taxes were withheld, you may be able to claim a credit for the excess against your federal income tax. If you had more than one railroad employer and more than \$2,980.10 in Tier II RRTA tax was withheld, you also may be able to claim a credit. See your Form 1040 or Form 1040A Instructions and Publication 505, Tax Withholding and Estimated Tax.

AFFIDAVIT

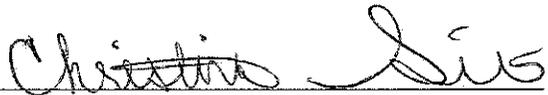
STATE OF OHIO)
COUNTY OF FRANKLIN) SS:

I, Christina N. Sims, having been duly sworn, state the following:

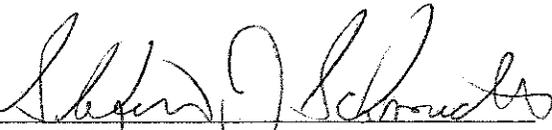
1. I was employed by Westside Family Practice, Inc., as a Medical Assistant making \$10.50 per hour until I was terminated on Friday, April 27, 2007.
2. Attached to this affidavit are true and accurate copies of my tax records from 2009 to 2012.
3. On January 1, 2013, I began earning wages in excess of \$10.50 per hour.

Further, affiant sayeth naught.

I have read the foregoing affidavit consisting of five pages and I swear all the information contained herein is true to the best of my knowledge and belief.


Christina N. Sims

Sworn to and signed before me, a notary public for the State of Ohio, this 27th day of August, 2013.


Notary Public *Alimony, The Commission
Does Not Expire*

Department of the Treasury — Internal Revenue Service
Form 1040A U.S. Individual Income Tax Return (99) 2009

IRS Use Only — Do not write or staple in this space.

Label
(See instructions.)

Use the IRS label.
Otherwise, please print or type.

Your first name and initial Christina	Last name N Sims	OMB No. 1545-0074
If a joint return, spouse's first name and initial	Last name	Your social security number
Home address (number and street). If you have a P.O. box, see instructions. 3219 Haskell Drive		Apartment no.
City, town or post office. If you have a foreign address, see instructions. Columbus		State ZIP code OH 43219

▲ You must enter your SSN(s) above ▲
 Checking a box below will not change your tax or refund

Presidential Election Campaign

Check here if you, or your spouse if filing jointly, want \$3 to go to this fund (see instructions) You Spouse

Filing status

- 1 Single
- 2 Married filing jointly (even if only one had income)
- 3 Married filing separately. Enter spouse's SSN above and full name here ▶ _____
- 4 Head of household (with qualifying person). (See instructions.)
If the qualifying person is a child but not your dependent, enter this child's name here ▶ _____
- 5 Qualifying widow(er) with dependent child (see instructions)

Check only one box.

Exemptions

6 a Yourself. If someone can claim you as a dependent, do not check box 6a.

b Spouse

c Dependents:

(1) First name	Last name	(2) Dependent's social security number	(3) Dependent's relationship to you	(4) <input checked="" type="checkbox"/> If qualifying child for child tax credit

Boxes checked on 6a and 6b **1**

No. of children on 5c who:
 lived with you
 did not live with you due to divorce or separation (see instructions)

Dependents on 6c not entered above

d Total number of exemptions claimed Add numbers on lines above ▶ **1**

Income

Attach Form(s) W-2 here. Also attach Form(s) 1099-R if tax was withheld.

7 Wages, salaries, tips, etc. Attach Form(s) W-2	7	6,240.
8 a Taxable interest. Attach Schedule B if required	8 a	
b Tax-exempt interest. Do not include on line 8a	8 b	
9 a Ordinary dividends. Attach Schedule B if required	9 a	
b Qualified dividends (see instructions)	9 b	
10 Capital gain distributions (see instructions)	10	
11 a IRA distributions	11 a	
11 b Taxable amount	11 b	
12 a Pensions and annuities	12 a	
12 b Taxable amount	12 b	
13 Unemployment compensation in excess of \$2,400 per recipient and Alaska Permanent Fund dividends (see instructions)	13	
14 a Social security benefits	14 a	
14 b Taxable amount	14 b	
15 Add lines 7 through 14b (far right column). This is your total income	15	6,240.

If you did not get a W-2, see instructions.

Enclose, but do not attach, any payment. Also, please use Form 1040-V.

Adjusted gross income

16 Educator expenses (see instructions)	16	
17 IRA deduction (see instructions)	17	
18 Student loan interest deduction (see instructions)	18	
19 Tuition and fees deduction. Attach Form 8917	19	4,000.
20 Add lines 16 through 19. These are your total adjustments	20	4,000.
21 Subtract line 20 from line 15. This is your adjusted gross income	21	2,240.

BAA For Disclosure, Privacy Act, and Paperwork Reduction Act Notice, see instructions.

Form 1040A (2009)

Electronic Filing Instructions for your 2010 Federal Tax Return
 Important: Your taxes are not finished until all required steps are completed.



Christina N Sims
 5810 Millbank Rd, Apt. D
 Columbus, OH 43229

<p>Balance Due/Refund</p>	<p>Your federal tax return (Form 1040A) shows a refund due to you in the amount of \$4,641.00. Applicable fees were deducted from your original refund amount of \$4,641.00. Your refund is now \$4,544.15. Because you chose to have your TurboTax fees deducted from your refund, you will receive e-mail from the University National Bank of Saint Paul, MN, which handles this transaction. Your tax refund should be direct deposited into your account within 8 to 14 days after your return is accepted. The account information you entered - Account Number: [REDACTED] Routing Transit Number: [REDACTED]</p>																		
<p>Where's My Refund?</p>	<p>Before you call the Internal Revenue Service with questions about your refund, give them 8 to 14 days processing time from the date your return is accepted. If then you have not received your refund, or the amount is not what you expected, contact the Internal Revenue Service directly at 1-800-829-4477. You can also check www.irs.gov and select the "Where's my refund?" link.</p>																		
<p>No Signature Document Needed</p>	<p>No signature form is required since you signed your return electronically.</p>																		
<p>What You Need to Keep</p>	<p>Your Electronic Filing Instructions (this form) Printed copy of your federal return</p>																		
<p>2010 Federal Tax Return Summary</p>	<table> <tr> <td>Adjusted Gross Income</td> <td>\$</td> <td>9,910.00</td> </tr> <tr> <td>Taxable Income</td> <td>\$</td> <td>0.00</td> </tr> <tr> <td>Total Tax</td> <td>\$</td> <td>62.00</td> </tr> <tr> <td>Total Payments/Credits</td> <td>\$</td> <td>4,703.00</td> </tr> <tr> <td>Amount to be Refunded</td> <td>\$</td> <td>4,641.00</td> </tr> <tr> <td>Effective Tax Rate</td> <td></td> <td>-30.78%</td> </tr> </table>	Adjusted Gross Income	\$	9,910.00	Taxable Income	\$	0.00	Total Tax	\$	62.00	Total Payments/Credits	\$	4,703.00	Amount to be Refunded	\$	4,641.00	Effective Tax Rate		-30.78%
Adjusted Gross Income	\$	9,910.00																	
Taxable Income	\$	0.00																	
Total Tax	\$	62.00																	
Total Payments/Credits	\$	4,703.00																	
Amount to be Refunded	\$	4,641.00																	
Effective Tax Rate		-30.78%																	

Electronic Filing Instructions for your 2011 Federal Tax Return
 Important: Your taxes are not finished until all required steps are completed.



Christina N Sims
 5810 Millbank Rd, Apt. D
 Columbus, OH 43229

Balance Due/Refund | Your federal tax return (Form 1040A) shows a refund due to you in the amount of \$8,276.00. Applicable fees were deducted from your original refund amount of \$8,276.00. Your refund is now \$8,189.15. Because you chose to have your TurboTax fees deducted from your refund, you will receive e-mail from the University National Bank of Saint Paul, MN, which handles this transaction. Your tax refund should be direct deposited into your account within 7 to 14 days after your return is accepted. The account information you entered - Account Number: [REDACTED] Routing Transit Number: [REDACTED]

Where's My Refund? | Before you call the Internal Revenue Service with questions about your refund, give them 7 to 14 days processing time from the date your return is accepted. If then you have not received your refund, or the amount is not what you expected, contact the Internal Revenue Service directly at 1-800-829-4477. You can also check www.irs.gov and select the "where's my refund?" link.

What You Need to Keep | Your Electronic Filing Instructions (this form)
 Printed copy of your federal return

2011 Federal Tax Return Summary	Adjusted Gross Income	\$	16,195.00
	Taxable Income	\$	0.00
	Total Tax	\$	0.00
	Total Payments/Credits	\$	8,276.00
	Amount to be Refunded	\$	8,276.00
	Effective Tax Rate		

Electronic Filing Instructions for your 2012 Federal Tax Return
 Important: Your taxes are not finished until all required steps are completed.



Declaration Control Number: Accepted: 02/04/2013
 Christina N Sims
 5810 Millbank Rd, Apt. D
 Columbus, OH 43229

Balance Due/ Refund | Your federal tax return (Form 1040) shows a refund due to you in the amount of \$4,251.00. Your tax refund will be direct deposited into your account. The account information you entered - Account Number: [REDACTED] Routing Transit Number: [REDACTED]

When Will You Get Your Refund? | The IRS issued more than 9 out of 10 refunds to taxpayers in less than 21 days last year. The same results are expected in 2013. To get your estimated refund date from TurboTax, log into My TurboTax at www.turbotax.com. If you do not receive your refund within 21 days, or the amount you get is not what you expected, contact the Internal Revenue Service directly at 1-800-829-4477. You can also check www.irs.gov and select the "Where's my refund?" link.

What You Need to Keep | Your Electronic Filing Instructions (this form)
 Printed copy of your federal return

2012 Federal Tax Return Summary	Adjusted Gross Income	\$	14,101.00
	Taxable Income	\$	0.00
	Total Tax	\$	77.00
	Total Payments/Credits	\$	4,328.00
	Amount to be Refunded	\$	4,251.00
	Effective Tax Rate		-29.57%

Damages Plus Statutory Interest

		ANNUAL INTEREST RATE						
		2007	2008	2009	2010	2011	2012	2013
BASE DAMAGES		0.08	0.08	0.05	0.04	0.04	0.03	0.03
2007	\$ 7,587	\$ 7,994.41	\$ 8,633.96	\$ 9,065.66	\$ 9,428.29	\$ 9,805.42	\$ 10,099.58	\$ 10,339.48
2008	\$ 12,261		\$ 13,241.88	\$ 13,903.97	\$ 14,460.13	\$ 15,038.54	\$ 15,489.69	\$ 15,857.63
2009	\$ 12,660			\$ 13,293.00	\$ 13,824.72	\$ 14,377.71	\$ 14,809.04	\$ 15,160.81
2010	\$ 11,930				\$ 12,407.20	\$ 12,903.49	\$ 13,290.59	\$ 13,606.29
2011	\$ 5,645					\$ 5,870.80	\$ 6,046.92	\$ 6,190.56
2012	\$ 7,739						\$ 7,971.17	\$ 8,160.51
							TOTAL:	\$ 69,315.28

Notes: Calculations assume all interest is calculated annually and includes a full 3% for 2013
 2007 interest calculated for the period April 30, 2007 - December 31, 2007
 2013 interest calculated for the period January 1, 2013 - October 17, 2013

Attachment

**STATE OF OHIO
CIVIL RIGHTS COMMISSION**

IN THE MATTER OF:	:	
	:	COMPLAINT NO. 08-EMP-COL-34472
CHRISTINA SIMS,	:	
	:	
Complainant,	:	CHIEF ADMINISTRATIVE LAW JUDGE:
	:	DENISE M. JOHNSON
v.	:	
	:	
WESTSIDE FAMILY PRACTICE, INC.	:	
	:	
Respondent.	:	

FINAL ORDER

This matter comes before the Commission upon the Complaint and Notice of Hearing No. 08-EMP-COL-34472; the official record of the public hearing held on September 18, 2009, before Chief Administrative Law Judge Denise M. Johnson, a duly appointed administrative law judge; the post-hearing briefs and reply brief filed by the Commission and Respondent; the Chief Administrative Law Judge's Report and Recommendation dated August 5, 2013, and the Objections filed by the Parties.

The complaint alleges Respondent subjected Complainant to different terms, conditions, and privileges of employment, including termination, based on her sex in violation of R.C. 4112.02(A). After a public hearing, the Chief Administrative Law Judge recommended that the Commission order Respondent to cease and desist from all discriminatory practices in violation of R.C. Chapter 4112. After careful consideration of the entire record, the Commission adopts the Chief Administrative Law Judge's findings of fact, conclusions of law, and recommendations as if fully rewritten herein with the following modifications to Conclusion of Law 24 and Recommendation 3:

Attachments

24. I believed the testimony of the Complainant that when she disclosed to Ms. Hard that she was pregnant on Friday April 27, 2007 that Ms. Hard became upset and told Complainant that she needed to clock out and don't come back.

3. Whether Complainant accepts Respondent's offer of employment, Respondent shall submit to the Commission by October 28, 2013, a certified check payable to Complainant for \$69,315.28.

The Commission orders Respondent to cease and desist from all discriminatory practices in violation of R.C. Chapter 4112.

This ORDER issued by the Ohio Civil Rights Commission this ____ day of _____, 2013.

Commissioner, Ohio Civil Rights Commission

CERTIFICATE OF SERVICE

I certify that a copy of the Ohio Civil Rights Commission's Objections to the Chief Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations was served via regular mail to:

John L. Tanoury
Ball & Tanoury
1010 Old Henderson Road, Suite 1
Columbus, Ohio 43220

Counsel for Respondent

Christina Sims
5810 Millbank Road, Apt. D
Columbus, Ohio 43229-4153

Complainant

on this 28th day of August, 2013.



Ohio Civil Rights Commission

Governor
John Kasich

Board of Commissioners

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

G. Michael Payton, Executive Director

February 21, 2014

Christina Sims
5810 Millbank Road, Apt. D
Columbus, Ohio 43229-4153

RE: Christina Sims v. Westside Family Practice, Inc.
COLE1 (34472)05022007
22A-2007-05664-F
Complaint No. 08-EMP-COL-34472

The enclosed Order dismissing Complaint No. 08-EMP-COL-34472 the above captioned matter was issued by the Ohio Civil Rights Commission at its meeting February 20, 2014.

This case is closed.

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
Stefan J. Schmidt, Assistant Attorney General- Civil Rights Section



Ohio Civil Rights Commission

Governor
John Kasich

Board of Commissioners

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

G. Michael Payton, Executive Director

February 21, 2014

John L. Tanoury, Esq.
Ball & Tanoury
1010 Old Henderson Road, Suite 1
Columbus, Ohio 43220

RE: Christina Sims v. Westside Family Practice, Inc.
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The enclosed Order dismissing Complaint No. 08-EMP-COL-34472 the above captioned matter was issued by the Ohio Civil Rights Commission at its meeting February 20, 2014.

This case is closed.

FOR THE COMMISSION

Desmon Martin/pjw

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
Stefan J. Schmidt, Assistant Attorney General- Civil Rights Section



John Kasich, Governor

IN THE MATTER OF:	:	
	:	COMPLAINT NO. 08-EMP-COL-34472
CHRISTINA SIMS,	:	
	:	
Complainant,	:	CHIEF ADMINISTRATIVE LAW JUDGE:
	:	DENISE M. JOHNSON
v.	:	
	:	
WESTSIDE FAMILY PRACTICE, INC.	:	
	:	
Respondent.	:	

CEASE AND DESIST ORDER

This matter comes before the Commission upon the Complaint and Notice of Hearing No. 08-EMP-COL-34472; the official record of the public hearing held on September 18, 2009, before Chief Administrative Law Judge Denise M. Johnson, a duly appointed administrative law judge; the post-hearing briefs and reply brief filed by the Commission and Respondent; the Chief Administrative Law Judge's Report and Recommendation dated August 5, 2013, and the Objections filed by the Parties.

The complaint alleges Respondent subjected Complainant to different terms, conditions, and privileges of employment, including termination, based on her sex in violation of R.C. 4112.02(A). After a public hearing, the Chief Administrative Law Judge recommended that the Commission order Respondent to cease and desist from all discriminatory practices in violation

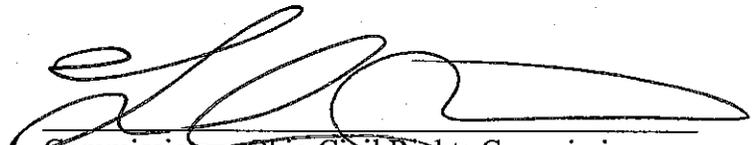
of R.C. Chapter 4112. After careful consideration of the entire record, the Commission adopts the Chief Administrative Law Judge's findings of fact, conclusions of law, and recommendations as if fully rewritten herein with the following modifications to Conclusion of Law 24 and Recommendation 3:

24. I believed the testimony of the Complainant that when she disclosed to Ms. Hard that she was pregnant on Friday April 27, 2007 that Ms. Hard became upset and told Complainant that she needed to clock out and don't come back.

3. Whether Complainant accepts Respondent's offer of employment, Respondent shall submit to the Commission by October 28, 2013, a certified check payable to Complainant for \$69,315.28.

The Commission orders Respondent to cease and desist from all discriminatory practices in violation of R.C. Chapter 4112.

This ORDER issued by the Ohio Civil Rights Commission this 30th day of FEBRUARY, 2014.

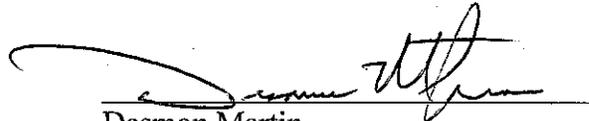

Commissioner, Ohio Civil Rights Commission

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.



Desmon Martin
Director of Enforcement and Compliance
Ohio Civil Rights Commission

DATE: _____

2/21/2014