

MAINE HUMAN RIGHTS COMMISSION

Memo

Date: June 26, 2008

To: Patricia E. Ryan

From: John P. Gause

Re:

[REDACTED]

EOB - 0437

It appears that this complaint should be administratively dismissed for lack of jurisdiction. Complainant alleges that the three Respondents terminated his employment because of his testimony in (I believe) an administrative grievance hearing relating to a fellow employee's wrongful denial of a promotion. There is no indication that the grievance alleged MHRA-protected status discrimination. *See* 5 M.R.S.A. §§ 4572(1)(E), 4633. The WPA also appears to be inapplicable because it protects an employee who is "requested to participate in an investigation, hearing or inquiry held by that public body . . ." 26 M.R.S.A. § 833(1)(C) (emphasis added). The reference to "that public body" is to a public body that is investigating the employee's report of illegal or unsafe activity. *See* 26 M.R.S.A. § 833(1)(A, B).

It is not clear from the complaint whether the coworker's grievance alleged unlawful discrimination. I would recommend writing to Complainant's attorney indicating that his MHRC complaint does not allege a violation of the above statutory provisions and providing Complainant with an opportunity to amend the complaint, if an amendment to conform to the statutes is possible.