

**WASHINGTON STATE  
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Jillienne Jeff,

Complainant.

and

Hughes Group LLC,

Respondents.

Docket No. 08-2022-HRC-00008

**FINAL ORDER**

Agency: Human Rights Commission

Program: Discrimination

Agency No. 27EZ-0680-16-7

**A preliminary decision of the undersigned administrative law judge issued on August 8, 2023. Washington State Human Rights Commission filed comments and exceptions with exhibits on August 30, 2023. Additionally, the Respondent filed comments and exceptions with exhibits on August 30, 2023. After consideration, this Final Order issues pursuant to WAC 162-08-301(2).**

**1. ISSUES**

- 1.1. Whether the Respondents, Hughes Group LLC, discharged, expelled, or otherwise discriminated against the Complainant, Jillienne Jeff, in violation of RCW 49.60.030(1)(a), RCW 49.60.180(3), and/or RCW 49.60.210, as alleged in the Human Rights Commission's Amended Complaint dated August 9, 2022?
- 1.2. If so, what relief should be granted; and,
- 1.3. If so, what penalties and/or sanctions should be imposed?

**2. ORDER SUMMARY**

- 2.1. Yes. The Respondents, Hughes Group LLC, discharged, expelled, or otherwise discriminated against the Complainant, Jillienne Jeff, in violation of RCW 49.60.030(1)(a), RCW 49.60.180(3), and/or RCW 49.60.210, as alleged in the Human Rights Commission's Amended Complaint dated August 9, 2022.
- 2.2. Based on RCW 49.60.250(5), emotional distress damages as requested by the Complainant, in the amount of \$20,000, is **APPROPRIATE**.
- 2.3. Based on WAC 162-08-298(4)(d), back pay, as requested by the Complainant, in the amount of \$9,369.83, plus prejudgment interest calculated at eleven-and-a-half (11.5) percent per annum since September 2017 through the date of the Court's Final Order, is **APPROPRIATE**.

- 2.4. Out of Pocket Expenses, as requested by the Complainant, in the amount of \$600 plus prejudgment interest calculated at eleven-and-a-half (11.5) percent per annum since May 2017 through the date of the Court's Final Order, is **APPROPRIATE**.

### **3. HEARING**

- 3.1. Hearing Dates: June 5, 2023 and June 6, 2023
- 3.2. Administrative Law Judge: Travis Dupree
- 3.3. Respondent: Hughes Group LLC
- 3.3.1. Representative: Lori Bemis, Attorney
- 3.3.2. Representative: Seth Dawson, Attorney
- 3.3.3. Witness:
- 3.3.3.1. Patrick Hughes
- 3.3.4. Observer: Erin Huan
- 3.4. Agency/ Complainant: Human Rights Commission
- 3.4.1. Representative: Daniel J Jeon, Assistant Attorney General
- 3.4.2. Representative: Anthony Thatch, Assistant Attorney General
- 3.4.3. Witnesses:
- 3.4.3.1. Jillienne Jeff, Complainant
- 3.4.3.2. Clayton Jones
- 3.4.3.3. Aubrey Robertson
- 3.4.3.4. Patrick Hughes
- 3.4.4. Observers: Logan Young and Tiffany Jennings
- 3.5. Exhibits: Exhibits 1 through 8 and A through JJ were admitted.

### **4. FINDINGS OF FACT**

I find the following facts by a preponderance of the evidence:

#### *Jurisdiction*

- 4.1. On August 9, 2022, the Human Rights Commission issued an Amended Complaint, which alleged Respondents, Hughes Group LLC, discharged, expelled, or otherwise discriminated against the Complainant, Jillienne Jeff, in violation of RCW 49.60.030(1)(a), RCW 49.60.180(3), and/or RCW 49.60.210
- 4.2. The Deadline for the Respondents to file an answer to the complaint was August 30, 2022.

- 4.3. On August 9, 2022, the Human Rights Commission referred this matter to the Office of Administrative Hearings.
- 4.4. On August 30, 2022, Respondents filed its answer to Amended Complaint.

*Jillienne Jeff and Hughes Group LLC*

- 4.5. Patrick Hughes is the Owner of Hughes Group LLC. *Patrick Hughes testimony.*
- 4.6. Clayton Jones was employed as Director of Business Operations with Hughes Group LLC. *Clayton Jones testimony and Exhibit 1.*
- 4.7. Aubrey Robertson was employed as a Western Regional Program Manager for Hughes Group LLC. *Aubrey Robertson testimony.*
- 4.8. Jillienne Jeff was employed as a Human Resources Manager with Hughes Group LLC from December 2016 to March 2, 2017. *Jillienne Jeff testimony.*

*Sexual Harassment Investigation*

- 4.9. Hughes Group LLC's employee handbook prohibits sexual harassment of employees. Listed as unwanted behavior includes but not limited to: "Unwelcome and repeated flirtations", "Propositions or advances", "Leering", and "Pressuring another employee for a date." The sexual harassment policy also "...prohibits acts of reprisal against anyone involved in lodging a complaint of sexual harassment." The policy further states, "All reports of alleged Sexual Harassment received by management shall be promptly referred to the Human Resources Manager. The Human Resources Manager shall immediately initiate an investigation or recommend another appropriate management representative to initiate the investigation." *Exhibits 1 and B.*
- 4.10. On or about February 17, 2017, Brittany Crespo, employee with Hughes Group LLC, filed a sexual harassment complaint against another employee, Eduardo Farabee. On or about that same date, Mr. Hughes directed Ms. Jeff and Mr. Robertson to investigate a sexual harassment complaint from Ms. Crespo against Mr. Farabee. *Jeff and Hughes testimony.*
- 4.11. On February 21, 2017, Ms. Jeff received a verbal warning for tardiness.
- 4.12. On or around February 23, 2017, Ms. Jeff and Mr. Aubrey interviewed Ms. Crespo, Mr. Farabee, and Malika Ali, Ms. Crespo's supervisor. *Jeff testimony.*

*Credibility Finding*

- 4.13. The present case involved conflicting testimony regarding the disputed events. As a result, a credibility finding is warranted:
- 4.14. This administrative tribunal found Complainant Jillienne Jeff's testimony regarding the series of events from her filing of her complaint credible. Ms.

Jeff's testimony is consistent with her notes that were composed contemporaneously during the investigation. *Jeff testimony and Exhibit 1.*

- 4.15. Further, this administrative tribunal did not find Hughes Group LLC owner Patrick Hughes' testimony credible. Mr. Hughes denied discharging Ms. Jeff due to not protecting the company with respect to the investigation into Ms. Crespo's sexual harassment. However, this denial is not persuasive due to the circumstances surrounding Ms. Jeff's employment termination. The only written reprimand issued to Ms. Jeff due to work performance issues was also given the same day as her termination of employment. Prior to the last day of employment for Ms. Jeff, she had only received a verbal warning for tardiness. *Hughes testimony and Exhibit 1.*
- 4.16. Additionally, this administrative tribunal has reservations regarding the former Director of Business Operations for Hughes Group LLC Clayton Jones' testimony. At the evidentiary hearing, Mr. Jones articulated among performances issues with Ms. Jeff included tardiness. However, the documentation from Hughes Group LLC reflected that almost all of Hughes Group LLC employees were having late arrivals yet only Ms. Jeff's employment was ended in part due to this alleged issue. Further the only written reprimand issued to Ms. Jeff for the tardiness issue was also the same day her employment was terminated. Finally, the lack of a description and documentation in Ms. Jeff's termination of employment form regarding the reason for job separation is questionable. *Jones testimony and Exhibit 1.*
- 4.17. Finally, this administrative tribunal also has reservations regarding Hughes Group LLC Western Regional Program Manager Aubrey Robertson's testimony. At the evidentiary hearing, Mr. Robertson asserted that himself and Ms. Jeff agreed to the findings of the Ms. Crespo investigation, placed it in writing, and had Ms. Jeff sign it. However, this testimony is not credible given the investigative notes from Ms. Jeff which were made at the time of the investigation which reflect she did not agree with what was later written in Mr. Robertson's memorandum. *Jeff and Robertson testimony and Exhibit 1.*

Based on this credibility finding, the undersigned administrative law judge finds the following events occurred:

- 4.18. After the investigation, Ms. Jeff and Mr. Robertson found that Ms. Crespo had been sexually harassed by Mr. Farabee when he made multiple attempts to pursue a romantic relationship with Ms. Crespo, but he was rejected. However, Mr. Farabee continued to stare at Ms. Crespo and treat her negatively thereafter, which made Ms. Crespo feel uncomfortable at work and she reported her discomfort to her supervisor. *Jeff testimony and Exhibit 1.*

- 4.19. Ms. Jeff and Mr. Robertson believed that Mr. Farabee did not understand that his actions were sexual harassment. *Jeff testimony and Exhibit 1.*
- 4.20. Ms. Jeff and Mr. Robertson recommended that Ms. Crespo move into an office with Ms. Ali. They also recommended that a letter or documentation should go in Mr. Farabee's file. *Jeff testimony and Exhibit 1.*
- 4.21. On or about February 24, 2017, Ms. Jeff and Mr. Robertson met with Mr. Hughes and presented their agreed findings and recommendations. *Jeff testimony and Exhibit 1.*
- 4.22. During the meeting, Mr. Hughes was against finding that Mr. Farabee had sexually harassed Ms. Crespo. Further, Mr. Hughes became upset and blamed Ms. Crespo for the situation and inquired regarding the attire Ms. Crespo wore. Mr. Hughes further said that Ms. Crespo probably led on Mr. Farabee. *Jeff testimony and Exhibit 1.*
- 4.23. Mr. Hughes was adamant about not describing Mr. Farabee's conduct as sexual harassment. Mr. Hughes believed that Mr. Farabee could turn around and say that Hughes Group was sexually harassing him. Finally, Mr. Hughes believed that they would then need to reprimand Ms. Crespo as well. *Jeff testimony and Exhibit 1 and 2.*
- 4.24. Ms. Jeff opposed Mr. Hughes's suggestion of reprimanding or punishing Ms. Crespo for speaking out about sexual harassment. *Jeff testimony and Exhibit 1.*
- 4.25. On February 24, 2017, Mr. Robinson drafted and signed the investigation memorandum regarding the Ms. Crespo investigation. The memorandum contained the following recommendations:
- First, no disciplinary action,
- Second, that further "sexual harassment training should be conducted for both employees and statements should be placed in each employees' files concerning what constitutes sexual harassment and the reporting of [the] same."
- Third, that "Mr. Farabee should be counseled concerning personal and professional relationships and workplace decorum." *Robinson testimony and Ex. 1 and Ex. DD.*
- 4.26. Ms. Jeff never received nor signed Mr. Robinson's memorandum, nor was she aware that a memorandum was being prepared. *Jeff testimony.*
- 4.27. On March 2, 2017, Ms. Jeff received a written warning from Mr. Jones for "Failure to complete staffing project without short notice due date reminder. Failure to start Policy project at all. Failure to follow up on late show because

of car Issues (does not take all day for a tire). Repeated failure to meet deadlines (CEO Slides), Repeated tardiness. Failure to complete time cards daily and by due dates.” The management remarks stated “You have shown some improvement on timely arrivals over the last few days. It appears that task management/tracking are problematic. If unsure how to proceed, ask. If needed information is not given, ask for help.” *Jeff and Jones testimony and Exhibit 1.*

4.28. Later that same day, Ms. Jeff was called into a meeting with Mr. Hughes and Mr. Jones. Mr. Hughes informed Ms. Jeff that she was fired because she was not protecting the company with respect to the investigation into Ms. Crespo’s sexual harassment. Mr. Hughes explained that it was Ms. Jeff’s job to protect him from these types of issues. *Jeff testimony and Exhibit 1.*

4.29. The corrective action form dated March 2, 2017, signed by Mr. Hughes and Mr. Jones indicated the reason for Ms. Jeff’s termination of employment was “Not meeting job expectations.” *Jeff and Jones testimony and Exhibit 1.*

*Ms. Jeff Post-Hughes Group LLC*

4.30. After working for Hughes Group LLC, Ms. Jeff applied for unemployment benefits and searched for another job. She was leery about going back into human resources work. Ms. Jeff believed she had done the right thing but was punished. *Jeff testimony.*

4.31. At the time, Ms. Jeff was a single mother with a two-year-old daughter. The father does not pay child support. *Jeff testimony.*

4.32. Also, post Hughes group LLC, Ms. Jeff started going to a therapist every week. Ms. Jeff was diagnosed with Major Depressive Disorder. *Jeff testimony.*

4.33. Ms. Jeff’s salary with Hughes Group LLC was \$40,000. Ms. Jeff was out of work for 10 weeks until May 15, 2017, when she started a position with DaVita. That \$40,000 amount divided by 52 weeks = \$769.23 per week x 10 weeks = \$7,692.30 for the time that Ms. Jeff was without work. *Complainant’s Hearing Brief.*

4.34. From May 14, 2017 through September 20, 2017, Ms. Jeff’s pay differential in lost wages due to the pay cut is \$14,461.53, Hughes Group salary minus \$12,784.00, DaVita pay equals \$1,677.53. *Complainant’s Hearing Brief.*

4.35. Total back pay Ms. Jeff lost is \$9,369.83 plus prejudgment interest since 2017. *Complainant’s Hearing Brief.*

4.36. Ms. Jeff spent approximately \$300.00 to pay for fuel while job searching and traveling to interviews before she was hired at DaVita. Additionally, Ms. Jeff

incurred approximately \$300.00 in late fees for her rent payments and utility bills she was unable to timely afford. *Complainant's Hearing Brief*.

4.37. In 2018, Ms. Jeff relocated to Arkansas and is now employed with Nike. *Jeff testimony*.

4.38. Ms. Jeff's daughter is not happy living in Arkansas and wants to move back to Washington state. *Jeff testimony*.

## **5. CONCLUSIONS OF LAW**

Based upon the facts above, I make the following conclusions:

### *Jurisdiction*

5.1. I have jurisdiction over the persons and subject matter in this matter under Chapter 34.05 RCW, Chapter 49.60 RCW, and Chapter 162-08 WAC.

### *Burden of Proof*

5.2. The Administrative Procedure Act (APA) defines the burden in judicial review proceedings following final agency action. *RCW 34.05.570*. The APA does not define the burden in the initial adjudicative proceeding before the ALJ or presiding officer. Neither the legislature nor the HRC have enacted a statute or rule that mandates the burden of proof in administrative proceedings involving action by the HRC.

5.3. Unless otherwise mandated by statute or due process of law, the U.S. Supreme Court and Washington courts have generally held the burden of proof to resolve a dispute in an administrative proceeding is preponderance of the evidence. *Steadman v. SEC*, 450 U.S. 91, 9-102 (1981); *Thompson v. Department of Licensing*, 138 Wn.2d 783, 787, 982 P.2d 601 (1999); *Hardee v. Department of Social & Health Services*, 172 Wn.2d 1, 7-10, 256 P.3d 339 (2011); *Olympia Brewing Co. v. Dept. of Labor & Industries*, 34 Wn.2d 498, 504, 208 P.2d 1181 (1949); *Oscar's Inc. v. Washington State Liquor Control Bd.*, 101 Wn.App. 498, 501, 3 P.3d 813 (2000).

5.4. A preponderance of the evidence is that evidence which, when fairly considered, produces the stronger impression, has the greater weight, and is the more convincing as to its truth when weighed against the evidence in opposition thereto. *Yamamoto v. Puget Sound Lbr. Co.*, 84 Wash. 411, 146 Pac. 861 (1915).

[Continued]

*Applicable law*

- 5.5. RCW 49.60.030 regarding “Freedom from discrimination—Declaration of civil rights” provides in part:.

(1) The right to be free from discrimination because of race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability is recognized as and declared to be a civil right. This right shall include, but not be limited to:

(a) The right to obtain and hold employment without discrimination;

- 5.6. RCW 49.60.180(3) regarding “Unfair practices of employers” provides:

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

- 5.7. RCW 49.60.210 regarding “Unfair practices—Discrimination against person opposing unfair practice—Retaliation against whistleblower: provides:

(1) It is an unfair practice for any employer, employment agency, labor union, or other person to discharge, expel, or otherwise discriminate against any person because he or she has opposed any practices forbidden by this chapter, or because he or she has filed a charge, testified, or assisted in any proceeding under this chapter.

(2) It is an unfair practice for a government agency or government manager or supervisor to retaliate against a whistleblower as defined in chapter 42.40 RCW.

(3) It is an unfair practice for any employer, employment agency, labor union, government agency, government manager, or government supervisor to discharge, expel, discriminate, or otherwise retaliate against



an individual assisting with an office of fraud and accountability investigation under RCW 74.04.012, unless the individual has willfully disregarded the truth in providing information to the office.

- 5.8. To establish a *prima facie* case of retaliation, the Commission must show that (1) Ms. Jeff engaged in a protected activity; (2) the Respondent subjected her to an adverse action; and (3) there is a causal link between the protected activity and the adverse action. See *Sturm v. Davlyn Invs., Inc.*, 2014 WL 2599903.
- 5.9. In this case, the Commission argues that Ms. Jeff opposed an unfair practice by Hughes Group LLC, but they disagreed and terminated her employment. Specifically, Ms. Jeff contends that she was fired by Mr. Hughes because she was not protecting the company with respect to the investigation into Ms. Crespo's sexual harassment. Further, that any of Ms. Jeff's work performance issues were not raised with her until shortly after her sexual harassment investigation.
- 5.10. Respondents argue that Ms. Jeff was discharged due to performance issues. Specifically, Ms. Jeff neglected basic responsibilities by repeatedly failing to complete her timecards in time for payroll to be processed. Also, Ms. Jeff's work was often late, requiring her supervisor to send reminders and request updates. Ms. Jeff herself was often late to work as she was on-time for work only four days in the two months prior to her termination of employment. Finally, Respondent argues Ms. Jeff did not reasonably or in good faith believe that she opposed any unfair practice by Hughes Group LLC.
- 5.11. However, the Respondent's arguments are unpersuasive. While the reasons stated in the written reprimand would normally establish legitimate reasons to terminate an individual's employment, that fact the only written reprimand regarding these issues was issued to Ms. Jeff, the same day as the decision to terminate employment, appears to have a questionable motivation behind it. Additionally, the documentation from Hughes Group LLC reflected that almost all of their employees were having late arrivals yet only Ms. Jeff's employment was ended in part due to this alleged issue. Finally, the lack of a description and documentation in the reason for Ms. Jeff's termination of employment on the form is questionable, especially given the circumstances surrounding the sexual harassment investigation.
- 5.12. As such, the preponderance of the evidence establishes that Ms. Jeff engaged in a protected activity when she opposed Mr. Hughes' suggestion of reprimanding or punishing Ms. Crespo for speaking out about sexual harassment. Additionally, the preponderance of the evidence supports that Ms. Jeff reasonably or in good faith believed that Hughes Group LLC was punishing Ms. Crespo for making a sexual harassment complaint. Further, the

preponderance of the evidence establishes that Hughes Group LLC was wrong. Further, a preponderance establishes that Hughes Group LLC subjected Ms. Jeff to an adverse action when her employment was terminated. Finally, by a preponderance of the evidence, there is a causal link between Ms. Jeff's protected activity and the adverse action by Hughes Group LLC when Mr. Hughes informed Ms. Jeff that her employment was terminated because she was not protecting the company with respect to the investigation into Ms. Crespo's sexual harassment.

- 5.13. Therefore, the Respondents, Hughes Group LLC, discharged, expelled, or otherwise discriminated against the Complainant, Jillienne Jeff, in violation of RCW 49.60.030(1)(a), RCW 49.60.180(3), and/or RCW 49.60.210, as alleged in the Human Rights Commission's Amended Complaint dated August 9, 2022.

*Emotional Distress Damages*

- 5.14. RCW 49.60.250(5) provides in part that:

If, upon all the evidence, the administrative law judge finds that the respondent has engaged in any unfair practice, the administrative law judge shall state findings of fact and shall issue and file with the commission and cause to be served on such respondent an order requiring such respondent to cease and desist from such unfair practice and to take such affirmative action, including, (but not limited to) hiring, reinstatement or upgrading of employees, with or without back pay, an admission or restoration to full membership rights in any respondent organization, or to take such other action as, in the judgment of the administrative law judge, will effectuate the purposes of this chapter, including action that could be ordered by a court, except that damages for humiliation and mental suffering shall not exceed twenty thousand dollars, and including a requirement for report of the matter on compliance.

- 5.15. In this case, after the Complaint's separation from the Respondent, she started going to therapist every week. The Complainant was also diagnosed with Major Depressive Disorder. Since the Respondent has been found to have engaged in unfair practices, the Complainant's humiliation and mental suffering in the amount not exceeding \$20,000, pursuant to RCW 49.60.250(5) is **APPROPRIATE**.

[Continued]

### *Back Pay Damages*

- 5.16. WAC 162-08-298(4)(d) allows this administrative tribunal to award back pay to a person or persons who would have had a job but for the unfair practice of the respondent.
- 5.17. Based on the above 'Findings of Fact' and 'Conclusions of Law', the Complainant's request for 'back pay' based on the calculations provided by the Complainant's Hearing Brief are reasonable, under the circumstances.
- 5.18. Based on WAC 162-08-298(4)(d), 'back pay', as requested by the Complainant, in the amount of \$9,369.83, is **APPROPRIATE**.

### *Out of Pocket Expenses*

- 5.19. RCW 49.60.250(6) provides in part that:

If a determination is made that retaliatory action, as defined in RCW 42.40.050, has been taken against a whistleblower, as defined in RCW 42.40.020, the administrative law judge may, in addition to any other remedy, require restoration of benefits, back pay, and any increases in compensation that would have occurred, with interest; impose a civil penalty upon the retaliator of up to five thousand dollars; and issue an order to the state employer to suspend the retaliator for up to thirty days without pay. At a minimum, the administrative law judge shall require that a letter of reprimand be placed in the retaliator's personnel file. No agency shall issue any nondisclosure order or policy, execute any nondisclosure agreement, or spend any funds requiring information that is public under the public records act, chapter 42.56 RCW, be kept confidential; except that nothing in this section shall affect any state or federal law requiring information be kept confidential. All penalties recovered shall be paid into the state treasury and credited to the general fund.

- 5.20. Based on the above 'Findings of Fact' and 'Conclusions of Law', the Complainant's request for 'out of pocket expenses' based on Ms. Jeff's testimony and the calculations provided by the Complainant's Hearing Brief are reasonable, under the circumstances.
- 5.21. Based on RCW 49.60.250(6), 'out of pocket expenses', as requested by the Complainant, in the amount of \$600, is **APPROPRIATE**.

[Continued]

### *Prejudgment interest*

- 5.22. WAC 162-08-298(4)(o) provides that “An order to pay interest on money that should have been paid at an earlier time, but for the unfair practice. Interest may be calculated at the current market rate for unsecured personal loans from institutions other than small loan companies licensed under chapter 31.08 RCW...”
- 5.23. According to the Federal Reserve Bank, the average rate for 24-month personal loans from commercial banks currently is 11.48%. *See Federal Reserve Board – Consumer Credit – G.19.*
- 5.24. Based on the award of back pay, the Commission requested that the prejudgment interest calculation at eleven-and-a-half (11.5) percent per annum from September 2017 through the date of the Final Order. Additionally, the Commission requested for the award of out-of-pocket expenses, the prejudgment interest calculation at eleven-and-a-half (11.5) percent per annum from May 2017 through the date of the Final Order. The Respondent argues that the undersigned should not consider the Complainants Hearing Brief regarding prejudgment interest as well as emotional distress damages, back pay, and out of pocket expenses. However, the Respondent’s argument is unpersuasive as the undersigned found the Respondents violated RCW 49.60.030(1)(a), RCW 49.60.180(3), and/or RCW 49.60.210, as alleged in the Human Rights Commission’s Amended Complaint dated August 9, 2022. Furthermore, the undersigned is unaware of any authority that bars the Human Rights Commission from submitting hearing briefs regarding the calculations of prejudgment interest as well as emotional distress damages, back pay, and out of pocket expenses for the hearing. Those calculations in conjunction with the Complainant’s testimony were sufficient to establish the prejudgment interest as well as emotional distress damages, back pay, and out of pocket expenses.
- 5.25. Based on the above awarded back pay of \$9,369.83, the prejudgment interest calculation at eleven-and-a-half (11.5) percent per annum since September 2017 through the date of the Court’s Final Order, is **APPROPRIATE**.
- 5.26. Finally, based on the awarded out of pocket expenses of \$600, the prejudgment interest calculated at eleven-and-a-half (11.5) percent per annum since May 2017 through the date of the Court’s Final Order, is **APPROPRIATE**.

[Continued]

## 6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

- 6.1. The Human Rights Commission action is **Affirmed**.
- 6.2. Yes. The Respondents, Hughes Group LLC, discharged, expelled, or otherwise discriminated against the Complainant, Jillienne Jeff, in violation of RCW 49.60.030(1)(a), RCW 49.60.180(3), and/or RCW 49.60.210, as alleged in the Human Rights Commission's Amended Complaint dated August 9, 2022.
- 6.3. Based on RCW 49.60.250(5), emotional distress damages as requested by the Complainant, in the amount of \$20,000, is **APPROPRIATE**.
- 6.4. Based on WAC 162-08-298(4)(d), back pay, as requested by the Complainant, in the amount of \$9,369.83, plus prejudgment interest calculated at eleven-and-a-half (11.5) percent per annum since September 2017 through the date of the Court's Final Order, is **APPROPRIATE**.
- 6.5. Out of Pocket Expenses, as requested by the Complainant, in the amount of \$600 plus prejudgment interest calculated at eleven-and-a-half (11.5) percent per annum since May 2017 through the date of the Court's Final Order, is **APPROPRIATE**.

Issued from Tacoma, Washington on the date of mailing.



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Travis Dupree  
Administrative Law Judge  
Office of Administrative Hearings

**CERTIFICATE OF SERVICE ATTACHED**

## **PETITION FOR RECONSIDERATION**

Within 10 days of the service of this order, any party may file a Petition for Reconsideration with the Office of Administrative Hearings at:

Office of Administrative Hearings  
949 Market Street, Suite 500  
Tacoma, WA 98406  
253-476-6888 (phone)  
253-593-2200 (fax)

A Petition for Reconsideration must be actually received during office hours at the Office of Administrative Hearings at the above address within ten days from the date the order was mailed to the parties. WAC 10-08-110(1)(a). Filing papers with the Office of Administrative Hearings by fax, or electronically via the participant portal, is also permitted under the conditions set forth in WAC 10-08-110. You must serve a copy of any Petition for Reconsideration by delivery or mail to the other parties within the same time periods listed above.

The petition for reconsideration must state the points that the party desires to have reconsidered, and the specific grounds upon which relief is requested. RCW 34.05.470(1); WAC 10-08-215; WAC 162-08-311.

The Petition for Reconsideration will not stay the effectiveness of this order. RCW 34.05.470(2).

If the petition for reconsideration is timely and properly filed, the time for filing a petition for judicial review does not commence until after the Office of Administrative Hearings disposes of the petition for reconsideration. RCW 34.05.470(3).

## **PETITION FOR REVIEW**

This order becomes final on the date of mailing unless within thirty (30) days of mailing, a party files a petition for judicial review with the Superior Court. RCW 34.05.542(2). The petition for judicial review may be filed in the Superior Court of Thurston County, of the county where petitioner resides, or of the county where the property owned by the petitioner and affected by the contested decision is located. RCW 34.05.514(1). The petition for judicial review must be served on the agency whose action is in dispute, the Office of the Attorney General, and any other parties of record, within thirty (30) days of issuance of the final order. Service of the petition on the agency whose action is in dispute shall be by delivery of a copy of the petition to the office of the director, or other chief administrative officer or chairperson of the agency, at the principal office of the agency. Service by mail upon any other parties of record and the office of the attorney general shall be complete upon deposit in the United States mail, as evidenced by the postmark. RCW 34.05.542(4).

The petition for judicial review must include the following: (1) the name and mailing address of the petitioner; (2) the name and mailing address of the petitioner's attorney, if any; (3) facts that demonstrate that the petitioner is entitled to obtain judicial review; (4) the petitioner's reasons for believing that relief should be granted; and (5) a request for relief, specifying the type and extent of relief requested. RCW 34.05.546.

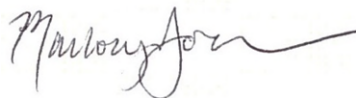
## CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 08-2022-HRC-00008

I certify that true copies of this document were served on those listed below, from Tacoma, Washington via Consolidated Mail Services by one of the following: First Class Mail, Certified Mail, Hand Delivery via Messenger, Campus Mail, Facsimile, or by email.

Jillienne Jeff PO Box 2851 West Memphis, AR 72303 <b>Complainant</b>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail
Hughes Group LLC c/o Patrick Hughes 3701 S. Lawrence Street Tacoma, WA 98409 <b>Respondent</b>	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> E-mail
Lori Bemis McGavick Graves, P.S. 1102 Broadway, Suite 500 PO Box 1317 Tacoma, WA 98401 <b>Respondent Representative</b>	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail <a href="mailto:lmb@mcgavick.com">lmb@mcgavick.com</a> <a href="mailto:emh@mcgavick.com">emh@mcgavick.com</a>
Anthony Thach, AAG Daniel J Jeon, AAG Office of the Attorney General Civil Rights Division 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 <b>Agency Representatives</b>	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> E-mail <a href="mailto:anthony.thach@atg.wa.gov">anthony.thach@atg.wa.gov</a> <a href="mailto:daniel.jeon@atg.wa.gov">daniel.jeon@atg.wa.gov</a>

Date: Friday, September 29, 2023

OFFICE OF ADMINISTRATIVE HEARINGS



Mallory Jordan  
Legal Assistant 2