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BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR)
HUMAN RIGHTS, PAULA M.)
HALEY, EXECUTIVE DIRECTOR,)
ex rel. JASON DUNN,)
)
Complainant,)
)
v.)
)
BRADD W. PATTERSON,)
)
Respondent.)
_____)

ASCHR No. J-07-274

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Jason Dunn, hereby alleges the following against Respondent Bradd W. Patterson:

1. Respondent Bradd W. Patterson owns and operates the fishing vessel Sierra C, which operates as a shrimping vessel in Alaska's ocean waters.
2. On information and belief, Respondent employs deck hands from time to time to work with him and to assist in his shrimping operations.
3. On October 1, 2007, while in Valdez, Respondent hired Jason Dunn as a deck hand on the Sierra C.
4. Respondent and Mr. Dunn agreed that the terms of Mr. Dunn's employment included assisting with fishing for shrimp between Valdez and Cordova, selling the catch in Cordova, fishing for shrimp between Cordova and Valdez, and finally selling the catch in Valdez.

1 5. Both Respondent and Mr. Dunn agreed that Mr. Dunn's employment
2 would end when the Sierra C returned to Valdez.

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4 6. Between October 1 and October 10, 2007, Respondent, Mr. Dunn, and
5 another employee did fish for shrimp between Valdez and Cordova.

6 7. On October 10, 2007, Respondent, Mr. Dunn and another employee
7 arrived in Cordova, where Respondent sold the catch.

8 8. In Cordova, Mr. Dunn told Respondent that he has tested positive for
9 the human immunodeficiency virus ("HIV").

10 9. Upon learning Mr. Dunn's HIV status, Respondent terminated Mr.
11 Dunn's employment and put him off the Sierra C.

12 10. Upon putting Mr. Dunn off the Sierra C, and instead of returning Mr.
13 Dunn to Valdez as agreed, Respondent had Mr. Dunn taken to, and left at, the
14 Cordova airport.

15 11. Mr. Dunn paid for his own return airfare to Valdez.

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18 **CAUSE OF ACTION—DISABILITY-BASED DISCRIMINATION**
19 **A VIOLATION OF AS 18.80.220(a)(1)**

20 12. Paragraphs 1-11 above are realleged and incorporated herein.

21 13. Jason Dunn is a person with a disability as that term is defined in AS
22 18.80.300(14)(A).

23 14. Respondent terminated Mr. Dunn's employment because Mr. Dunn
24 has a disability as defined in AS 18.80.300(14)(A).

25 15. Respondent subjected Mr. Dunn to differential treatment because of
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1 his disability by refusing to return Mr. Dunn to Valdez and by forcing Mr. Dunn to
2 pay his own airfare to return home from Cordova.

3
4 16. Respondent discriminated against Mr. Dunn in compensation or in a
5 term, condition, or privilege of his employment because of Mr. Dunn's disability
6 when he forced Mr. Dunn to pay his own airfare from Cordova to Valdez.

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8 17. As a result of Respondent's discriminatory treatment, Mr. Dunn has
9 suffered harm in the form of the out of pocket expenses for airfare to return to
10 Valdez from Cordova.

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12 **PRAYER FOR RELIEF**

13 Wherefore the Executive Director asks for the following relief:

14 1. That the Commission issue an order declaring that Respondent Bradd
15 W. Patterson violated AS 18.80.220 by discriminating against Jason Dunn when he
16 forced Mr. Dunn to pay his own airfare to return home from Cordova.

17
18 2. That the Commission order Respondent to reimburse Mr. Dunn the
19 out of pocket expenses that Mr. Dunn paid for his airfare to fly from Cordova to
20 Valdez, plus interest at the applicable legal rate, the exact amount of which will be
21 proven at hearing.

22
23 3. That the Commission order Respondent to adopt and post in a
24 conspicuous place on the Sierra C a policy of nondiscrimination under the Alaska
25 Human Rights Law that includes a policy prohibiting discrimination against
26 employees on the basis of a disability.
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Dated this 16th day of August 2010 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS

/s/

Lauri J Owen
Human Rights Attorney
Alaska Bar No. 0705032