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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.*)
DAVID WHEDON,)
)
Complainant,)
)
v.)
)
DAVID LOUTREL, d/b/a WILD)
SALMON DIRECT,)
)
Respondent.)
_____)

ASCHR No. J-09-167

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* David Whedon, hereby alleges the following against Respondent David Loutrel, d/b/a Wild Salmon Direct:

1. Respondent David Loutrel owns and operates the fishing vessel Seldovia.
2. In May through July 2009, Mr. Loutrel operated the F/V Seldovia in Alaska waters, catching and selling fish using the business name Wild Salmon Direct.
3. As part of the operations described in the preceding paragraph, Mr. Loutrel employed David Whedon to work on the F/V/ Seldovia as a deckhand.
4. During the last week of June 2009, while on board the F/V Seldovia, Mr. Loutrel, apparently dissatisfied with Mr. Whedon's work performance, physically struck Mr. Whedon and referred to Mr. Whedon as a "nigger."
5. Mr. Whedon believed that Mr. Loutrel's racially derogatory comment, in

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1 conjunction with Mr. Loutrel's physical assault, constituted illegal discrimination. In
2 response to Mr. Loutrel's actions and comments, Mr. Whedon informed Mr. Loutrel that
3 he intended to pursue legal action against him.
4

5 6. On July 2, 2009, shortly after Mr. Whedon informed Mr. Loutrel that he
6 intended to take legal action him, Mr. Loutrel terminated Mr. Whedon's employment.
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8 **FIRST CAUSE OF ACTION**
9 **RETALIATION FOR INTENT TO FILE A COMPLAINT**
10 **A VIOLATION OF AS 18.80.220(a)(4)**

11 7. Paragraphs 1-6 above are realleged and incorporated herein.

12 8. Respondent David Loutrel employed David Whedon from May 2009 to
13 July 2, 2009.

14 9. During Mr. Whedon's employment, Mr. Loutrel physically struck Mr.
15 Whedon while referring to him in a racially derogatory manner.
16

17 10. Mr. Whedon believed that Mr. Loutrel's action of striking him and Mr.
18 Loutrel's reference to him in a racially derogatory manner violated the laws prohibiting
19 discrimination in employment.
20

21 11. In response to Mr. Loutrel's physically striking him and reference to him
22 in a racially derogatory manner, Mr. Whedon informed Mr. Loutrel that he intended to
23 take legal action against him.
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25 12. Mr. Whedon's statement described in Paragraph 11 constituted activity
26 that is protected by AS 18.80.220(a)(4).
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28 13. Mr. Loutrel terminated Mr. Whedon's employment because of Mr.

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Whedon's statement described in Paragraph 11.

14. Mr. Loutrel's termination of Mr. Whedon's employment constituted illegal retaliation as described in AS 18.80.220(a)(4).

15. As a result of Respondent's retaliatory action, Mr. Whedon has suffered harm in the form of lost wages and other remuneration.

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a)(4) by retaliating against Mr. Whedon by terminating his employment.

2. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting retaliation for complaining about discrimination.

3. That the Commission order Respondent to obtain training of at least three hours in length on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on preventing retaliation.

4. That the Commission order Respondent to pay back wages and any other lost remuneration to Mr. Whedon, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

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