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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.*)
JOYCE MIGUEL,)

Complainant,)

v.)

ASCHR No. J-12-006

J & M CO. LTD, d/b/a Korean BBQ or)
Yummy Yummy Korean BBQ,)

Respondent.)

ACCUSATION

Paula M. Haley, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Joyce Miguel, hereby alleges the following against Respondent J & M CO. LTD:

1. Respondent J & M CO. LTD is an Alaska corporation owned by Moon Lee, doing business as a licensed restaurant known as Korean BBQ or Yummy Yummy Korean BBQ, located in the Sears Mall in Anchorage at 600 East Northern Lights Boulevard (hereinafter "Korean BBQ").

2. Joyce Miguel applied for full-time employment as a cashier at Korean BBQ in early November 2011. Soon afterward, on November 10, 2011, Ms. Miguel was told to go to the restaurant, and once there she completed a timecard and began training. Ms. Miguel appeared to be the only employee working at Korean BBQ that evening who

1 was not Asian. Ms. Miguel received a brief tour and then began instruction on operation
2 of the cash register.

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4 3. After Ms. Miguel began training on use of the cash register, the restaurant's
5 manager, JP Yoon, arrived on the premises. Mr. Yoon had not previously met Ms.
6 Miguel and had expected a younger applicant. Upon seeing Ms. Miguel standing behind
7 the counter and training on the cash register, Mr. Yoon immediately told Ms. Miguel
8 that she was too old for the job. Mr. Yoon then said that he wanted to hire someone
9 Asian and young, about 25 years of age, for the cashier position. Ms. Miguel is
10 Caucasian and, was forty years old at the time.

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13 4. Upon being told that she was too old to work at Korean BBQ, Ms. Miguel
14 clocked out using her timecard, left the premises, and did not return to the restaurant to
15 work again.

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17 5. Korean BBQ has and has had a practice of employing young female
18 cashiers ranging from approximately 18 to 22 years in age. Korean BBQ further had a
19 practice of employing employees of predominantly Asian race throughout the restaurant.
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21 **FIRST CAUSE OF ACTION**
22 **DISCRIMINATION BECAUSE OF AGE**
23 **A VIOLATION OF AS 18.80.220(a)**

24 6. Paragraphs 1-5 above are re-alleged and incorporated herein.

25 7. On or about November 10, 2011, Joyce Miguel applied and began training
26 for employment as a cashier at Korean BBQ.

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8. Ms. Miguel was qualified for the cashier position at the time of her application and the commencement of her training.

9. Ms. Miguel was refused hire despite being qualified for such cashier position.

10. Korean BBQ refused to hire Ms. Miguel because of her age.

11. Korean BBQ's refusal to hire Ms. Miguel for the cashier position because of her age constitutes a violation of AS 18.80.220(a).

12. As a result of Korean BBQ's violation of AS 18.80.220(a), Ms. Miguel has suffered damages in the form of lost training, wages, benefits, and other remuneration.

**SECOND CAUSE OF ACTION
DISCRIMINATION BECAUSE OF RACE
A VIOLATION OF AS 18.80.220(a)**

13. Paragraphs 1-12 above are re-alleged and incorporated herein.

14. On or about November 10, 2011, Joyce Miguel applied and began training for employment as a cashier at Korean BBQ.

15. Ms. Miguel was qualified for the cashier position at the time of her application and the commencement of her training.

16. Ms. Miguel was denied hire as a cashier because of her race.

17. Korean BBQ's refusal to hire Ms. Miguel for the cashier position because of her race constitutes a violation of AS 18.80.220(a).

18. As a result of Korean BBQ's violation of AS 18.80.220(a), Ms. Miguel has suffered damages in the form of lost training, wages, benefits, and other remuneration.

PRAYER FOR RELIEF

Wherefore the Executive Director asks for the following relief:

1. That the Commission issue an order declaring that Korean BBQ violated AS 18.80.220(a) by discriminating against Joyce Miguel because of her age.
2. That the Commission issue an order declaring that Korean BBQ violated AS 18.80.220(a) by discriminating against Joyce Miguel because of her race.
3. That the Commission order Korean BBQ to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting discrimination against employees on the bases of age and race and a policy prohibiting retaliation for complaining about discrimination.
4. That the Commission order Korean BBQ to obtain in-person training, by a neutral, third party trainer, of at least three hours in length for its owners and managers on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on preventing age and race discrimination and retaliation.
5. That the Commission order Korean BBQ to eliminate from Ms. Miguel's personnel records all documents and entries relating to the facts and circumstances that led Ms. Miguel to file the above-captioned charge of discrimination and any of the related events occurring thereafter.
6. That the Commission order Korean BBQ to refrain from penalizing Ms. Miguel in any way in future considerations for employment and, if rehired or trained, for

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transfers, promotions, or upgrading, because Ms. Miguel filed a complaint with the Commission.

7. That the Commission order Korean BBQ to pay Ms. Miguel back wages and any other lost remuneration caused by Korean BBQ's discriminatory actions, plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

8. That the Commission order Korean BBQ to refrain from advising or informing any other employer or potential employer of Ms. Miguel of the facts or circumstances involved in this case.

Dated this 20th day of October 2014 at Anchorage, Alaska.

ALASKA STATE COMMISSION
FOR HUMAN RIGHTS



Elizabeth N. Smith
Human Rights Attorney
Alaska Bar No. 9402003