

BEFORE THE ALASKA STATE COMMISSION FOR HUMAN RIGHTS

ALASKA STATE COMMISSION FOR )  
HUMAN RIGHTS, ROBERT W. CORBISIER, )  
EXECUTIVE DIRECTOR *ex rel.* )  
ASTIN FRAZIER, )

Complainant, ) ASCHR No. J-19-088

v. )

ORIENTAL GARDEN LLC., )

Respondent. )

ACCUSATION

Robert W. Corbisier, Executive Director of the Alaska State Commission for Human Rights, *ex rel.* Astin Frazier, hereby alleges the following against Respondent Oriental Garden LLC:

1. Respondent Oriental Garden LLC. (“Oriental Garden”) is a restaurant located at 720 Muldoon Road in Anchorage, Alaska.

2. Oriental Garden is an Alaska limited liability company that is owned by Susan Cho. Ms. Cho owns 100% of the business.

3. Astin Frazier was employed as a server on April 11, 2019.

4. At the time her employment was terminated, and at all times leading up to the termination, Ms. Frazier was qualified for her job and performing all her job duties in a satisfactory manner.

5. Mr. Liu Chen was the chef (“Chef”) for Respondent during Ms. Frazier’s employment with Oriental Garden, LLC.

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6. On or about April 26, 2010, Chef made racially derogatory and demeaning statements regarding Ms. Austin’s race and how she would be better suited to work in another restaurant.

7. On or about April 26, 2010, when Chef made a racially derogatory and demeaning statement regarding Ms. Austin’s race, Ms. Cho, was not present.

8. Ms. Cho was not on the premises during all hours Ms. Frazier was on duty.

9. Astin Frazier was terminated at the end of her probationary period because Chef claimed she was not familiar with the entire menu, including all ingredients and all beverages offered at the restaurant.

**FIRST CAUSE OF ACTION  
DISCRIMINATION BECAUSE OF RACE  
HOSTILE WORK ENVIRONMENT  
A VIOLATION OF AS 18.80.220(a)(1)**

10. Paragraphs 1-9 above are realleged and incorporated herein.

11. Astin Frazier is a Caucasian woman who was employed by Respondent as a server.

12. Ms. Frazier was qualified for her job as a server, and was satisfactorily learning both the menu and the ingredients to the various dishes.

13. During her employment with Oriental Garden, LLC, Ms. Frazier was subjected to severe and pervasive derogatory comments by Chef based on her race, ethnicity, and/or national origin. These comments were objectively offensive. They were hurtful and offensive to Ms. Frazier.

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14. Chef also subjected Chef also subjected other employees to racially, ethnically disparaging comments. These comments were objectively offensive. They were hurtful and offensive to other employees.

15. Chef made a statement to a Filipino employee who was working with Ms. Frazier that he did not like Filipinos or Laotians because when they were told to do one thing they did something different.

16. The comments made to Ms. Frazier were so severe, pervasive, offensive, and unwelcome that they altered the terms and conditions of Ms. Frazier’s employment by creating a hostile work environment based on Ms. Frazier’s race.

17. Ms. Frazier demonstrated her opposition to the hostile work environment by complaining about Chef’s comments to Respondent owner Susan Cho, and placed Respondent on notice that Chef’s conduct created a hostile work environment.

18. Respondent failed to take prompt, corrective action to effectively eliminate the hostile work environment to which Ms. Frazier was being subjected.

19. As a result of Respondent’s failure to take prompt corrective action in response to Ms. Frazier’s complaints, Ms. Frazier and other employees were subjected to a continuing hostile work environment.

20. By subjecting Ms. Frazier and other employees to a hostile work environment because of their race, Respondent violated AS 18.80.220(a)(1).

**PRAYER FOR RELIEF**

Wherefore the Executive Director asks for the following relief:

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1. That the Commission issue an order declaring that Respondent Oriental Garden LLC., violated AS 18.80.220(a)(1) by subjecting Astin Frazier to a hostile work environment because of her race.

2. That the Commission issue an order declaring that Respondent violated AS 18.80.220(a)(1) by terminating Ms. Frazier’s employment.

3. That the Commission order Respondent to adopt and disseminate a policy of nondiscrimination under the Alaska Human Rights Law that includes a policy prohibiting discrimination against employees on the basis of race, and a policy prohibiting retaliation for complaining about discrimination.

4. That the Commission order Respondent to obtain, within thirty (30) days of the Commission’s order, training conducted by a neutral, third-party trainer, of at least four (4) hours in length, for its managers and supervisors on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on an employer’s obligation not to create a hostile work environment or retaliate against an employee for complaining about discrimination.

5. That the Commission order Respondent to obtain, within thirty (30) days of the Commission’s order, training conducted by a neutral, third-party trainer, of at least two (2) hours in length, for its employees on the provisions of the Alaska Human Rights Law that prohibit discrimination in employment, with an emphasis on an employee’s right to be free from a hostile work environment and on employees’ rights to complaint about discrimination.

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6. That the Commission’s order specify that the aforementioned policy, trainers, and training curricula be subject to approval by the Executive Director.

7. That the Commission order Respondent to eliminate from Ms. Frazier’s personnel records all documents and entries relating to the facts and circumstances that led to Ms. Frazier’s filing of the above-captioned charge and any of the related events occurring thereafter.

8. That the Commission order Respondent to refrain from penalizing Ms. Frazier in any way in future considerations for employment and, if hired, for transfers, promotions, or upgrading because Ms. Frazier complained about discrimination or because she filed a complaint with the Commission.

9. That the Commission order Respondent to refrain from advising or informing any other employer or potential employer of Ms. Frazier of the facts or circumstances involved in this case, or from making any negative comments about Ms. Frazier to any of her other employers or potential employers.

10. That the Commission order Respondent to pay back wages, including any lost benefits, to Ms. Frazier plus interest at the applicable legal rate, the exact amount of which will be proven at hearing.

Dated at Anchorage, Alaska 5/10/2021.

ALASKA STATE COMMISSION  
FOR HUMAN RIGHTS  
*Signature Redacted*

By: \_\_\_\_\_  
Helen I. Hickmon  
Human Rights Advocate  
Alaska Bar No. 0211067