



STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
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To: Marsha Chien (206) 464-6451
Chalia Stallings-Ala'ilima
Office of the Attorney General

To: Gary Lofland (509) 575-4676
Meyer Fluegge & Tenney PS

From: Melanie, Legal Assistant to Administrative Law Judge Lisa Dublin

Date: Friday, March 10, 2017

Re: In the Matter of Colleen Morrison
OAH Docket No. 02-2016-HRC-00001

Message/Comments:

Hello,

Attached, please find The Final Order issued by Administrative Law Judge Lisa Dublin. This has also been mailed to you.

Sincerely,

Melanie Barnhill

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**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In The Matter Of:

Docket No. 02-2016-HRC-00001

Washington State Human Rights
Commission ex rel. Colleen Morrison,

FINAL ORDER

Agency: Human Rights Commission

Petitioner.

1. ISSUES

- 1.1. Did Haney Truck Line violate Chapter 49.60 RCW and related regulations by failing to allow Petitioner Colleen Morrison to bring her service animal to work?
- 1.2. If so, what is the appropriate penalty?

2. ORDER SUMMARY

- 2.1. Yes. Haney Truck Line violated Chapter 49.60 RCW and related regulations by failing to allow Petitioner Colleen Morrison to bring her service animal to work.
- 2.2. Respondent Haney Truck Line is liable to Ms. Morrison in the amount of \$22,730.00.

3. HEARING

- 3.1. Hearing Date: September 26-28, 2016
- 3.2. Administrative Law Judge: Lisa N. W. Dublin
- 3.3. Petitioner: Washington State Human Rights Commission ex. rel. Colleen Morrison
 - 3.3.1. Representatives: Assistant Attorneys General Chalia Stallings-Ala'llima and Marsha Chien

3.3.2. Witnesses:

- 3.3.2.1. Colleen Morrison
- 3.3.2.2. Dr. Gary Lee Treece
- 3.3.2.3. Kathy Morrison
- 3.3.2.4. Brenda Owens
- 3.3.2.5. Angela Stickney
- 3.3.2.6. Karen Luu

3.4. Respondent: Haney Truck Line

3.4.1. Representative: Attorney Gary Lofland

3.4.2. Witnesses:

- 3.4.2.1. Joel Jenft
- 3.4.2.2. Isabel Olivas
- 3.4.2.3. Karen Luu

3.5. Exhibits: Exhibits A-D, I-K, M-R, T-W, 1-3, 6-14, 16-39, 42-49, 52-57, 61-62 were admitted. Exhibit H was also admitted, but for purposes not including proving whether or not an unfair practice was committed. WAC 162-08-292(7).

4. INITIAL ORDER

4.1. On January 27, 2017, an Initial Order issued in this matter, which provided that any comments and exceptions to the Initial Order must be received for consideration pursuant to WAC 162-08-30 by February 13, 2017. The Office of Administrative Hearings did not receive any commentary or objections by February 13, 2017. Consequently, the January 27, 2017 Initial Order now constitutes the Final Order in this matter, as set out herein.

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5. FINDINGS OF FACT

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

Jurisdiction

- 5.1. On February 17, 2016, Petitioner Washington State Human Rights Commission ("Commission") filed an amended Complaint against Respondent Haney Truck Line ("HTL") with the Office of Administrative Hearings, alleging violation of Chapter 49.60 RCW. Ex. 1.
- 5.2. On July 8, 2016, HTL submitted its Answer to the amended Complaint. Ex. 2.

HTL, Colleen Morrison and Lucky

- 5.3. HTL is a shipping company based in Yakima, Washington, that provides shipping services in and between Washington, Oregon, Idaho, California, Montana, Wyoming, Utah, Nevada, and Canada. Ex. 1, p.2; Ex. 2, p.1; Ex. 6, p.1.
- 5.4. Colleen Morrison, a resident of Moxee, Washington, worked for HTL for over sixteen years in the company's payroll and billing department. Ms. Morrison's duties included processing invoices and credit card transactions, paying owner-operators and outside haulers, and preparing month end reports. See Ex. 32. At the time of her job separation in November 2013, Ms. Morrison worked full-time, 8:00 a.m. to 5:00 p.m. at approximately \$14.50 per hour, plus overtime of about 4.8 hours per week. She also received medical, dental, and vision benefits, as well as a 401K matching benefit.
- 5.5. During Ms. Morrison's employment, HTL maintained an Equal Employment Opportunity policy which provided:

Haney Truck Line, LLC is an equal opportunity employer. We do not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, marital status, sexual orientation, veteran status or any other protected characteristic as defined by applicable federal or state law. We believe every

employee has the right to work in an environment free from all forms of discrimination.

No employee will be retaliated against for raising concerns under this policy. If an employee feels they are not being treated fairly they should contact a Company Vice President, the Human Resources Manager, or any other management personnel. All employees are encouraged to cooperate in helping us maintain an equal employment opportunity environment.

Exs. 52 & 53.

- 5.6. In 2009, Ms. Morrison began to experience drops in her blood sugar, and decided to train her dog Lucky to warn her of these drops. Ms. Morrison's mother was a dog trainer during Ms. Morrison's childhood, so when Ms. Morrison's symptoms began, she conducted online research regarding training her dog Lucky to serve as her service animal.
- 5.7. Ms. Morrison enrolled Lucky in a number of training courses. First was clicker training, which marked desired behavior with clicking sounds. Lucky then attended trainings in obedience and agility, as well as an enrichment class where he learned paw touches, turning on and off lights, and opening and closing doors among other things. See Exs. 13-14, 37.
- 5.8. In approximately February 2012, Ms. Morrison found the website of a service animal academy in Seattle which offered a free online training video for training dogs to alert to blood sugar drops. Ms. Morrison watched the video at home, and then used it to train Lucky. Ms. Morrison first taught Lucky to recognize the scent of her blood at the 60-65 blood sugar level as marked by a glucose meter, by placing blood samples in bowls. Ms. Morrison also generalized the training, conducting it in various locations with various distractions. After the scent samples, Lucky moved to live scent training. Lucky learned to approach Ms. Morrison, smell her, then give her a paw swipe if her blood sugar level was low. By the last week of March 2012, Lucky was reliably alerting Ms. Morrison of blood sugar lows on a daily basis.

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Lucky as Service Animal

- 5.9. On April 2, 2012, Ms. Morrison wrote to Human Resources Manager Angela Stickney asking "for a reasonable accommodation to have Lucky at work with" her. Ms. Morrison reported that Lucky was in training to alert her when her blood sugar started to drop, that Lucky had already alerted her to a blood sugar drop, and that Lucky's training and work required his round-the-clock presence near Ms. Morrison. See Ex. 9. Human Resources Administrative Assistant Brenda Owens also brought Ms. Stickney a copy of Lucky's resume, showing the classes he had completed to date, as well as a letter from Ms. Morrison's physician, Dr. Wilkinson. See Exs. 10-12. Dr. Wilkinson's letter stated in relevant part:

Colleen uses a Service Dog to assist her in managing these conditions, and I support her in doing so. It is my opinion that Colleen's service dog is medically necessary to her. Please accommodate her and her Service Dog as requested."

Ex. 11. Lucky's resume identified his Hypoglycemic Alert training as "in process". See Ex. 12.

- 5.10. HTL verbally denied Ms. Morrison's request. Ms. Stickney discussed Ms. Morrison's request with company CEO Jack Gross, who opined that allowing an untrained service animal at work would lead to others wanting to bring their untrained animals to work. Ms. Stickney told Ms. Morrison she could take extra breaks to check her blood sugar, eat, or take medication, and that she could have a designated, shady parking space so that Lucky could remain in the car while Ms. Morrison worked inside. See Ex. 24.
- 5.11. In April 2012, Ms. Morrison submitted to Ms. Stickney additional references for Lucky which discussed his training and good behavior, and asked HTL to reconsider. Exs. 16-18, 22. Ms. Stickney explained that she suffered a significant blood sugar drop at work on April 18, 2012, and that "my service dog alerts me to hypoglycemic events before I am in the danger zone." *Id.*, Ex. M. In response, Ms. Stickney met with Ms. Morrison to obtain further information about her condition. Ms. Morrison explained that when her blood sugar dropped low, it caused shaking and nervousness. She further

explained that, unless she fainted, she could still perform all aspects of her job while experiencing a blood sugar drop. Exs. 23, N. Ms. Morrison also expressed that having Lucky onsite was the best, most reliable accommodation for her condition. Diet changes and more frequent blood sugar checks were not as reliable. Nor could Lucky smell Ms. Morrison from the car, or stay cool enough even in the designated shady sparking spot HTL provided her. Ms. Morrison told Ms. Stickney that Lucky would be fully trained in two months, but that he already alerted her to blood sugar drops consistently at home. *Id.*

- 5.12. Despite this, HTL again denied Ms. Morrison's request, stating "there are alternative accommodations that are available". See Exs. 24, O, P. Ms. Stickney then identified the same accommodations as before. *Id.*
- 5.13. On or around June 5, 2012, Ms. Morrison updated Lucky's resume to reflect that he completed Hypoglycemic Alert Basic Training as well as his Public Access Test. See Ex. 26. On June 11, 2012, Ms. Morrison emailed Ms. Stickney, further identifying her symptoms and stating that Lucky was no longer a service dog in training but rather was fully trained to alert her before the symptoms happened. Ms. Morrison again asked to be allowed to bring Lucky to work. Exs. 27, p.2; Q. This third request was again denied. Ms. Stickney responded that HTL had "gone above and beyond what is required", and that "Because the condition does not limit your ability to perform the essential functions of your job, no accommodation is needed." *Id.* While recovering from the effects of blood sugar drops at work, Ms. Morrison would perform easier work until she could think clearly again.
- 5.14. In November 2012, Ms. Morrison gave HTL another letter from another physician – Dr. Robinson – regarding Lucky. In this letter, Dr. Robinson (1) stated that Ms. Morrison had been diagnosed with hypoglycemia, (2) listed her symptoms, and (3) asked that HTL "Please accommodate Colleen and her Service Dog during her working hours." Ex. 31. Dr. Robinson explained as follows:

Since this is a dangerous condition Colleen uses a trained Service Dog to alert her to sudden drops in her blood glucose level. It is my opinion that Colleen's Service Dog is medically necessary for her to manage her condition at work.

Id.

- 5.15. Also in approximately November or December 2012, Ms. Morrison gave HTL yet another letter from yet another physician – Dr. Treece – stating as follows:

This patient has reactive hypoglycemia which is only partially controllable through dietary management. As a result, she has episodes of hypoglycemia, often severe, that require a prolonged recovery. Prevention of the severe episodes is the goal and progress is being made towards that end. However, she is sometimes unable to detect an episode until it is too late. However, she has acquired a Hypoglycemia detecting Service Dog who is able to detect the early stages of hypoglycemia and warn the patient who can then treat herself and prevent a more severe episode. Therefore, it is deemed medical [sic] necessary for her to be able to bring her Service Dog to work with her and be at her side throughout the workday.

Ex. 34. Ms. Stickney reached out to Dr. Treece with questions about Ms. Morrison's condition. Dr. Treece responded that Lucky was not the only method of monitoring Ms. Morrison's blood sugar level, but that Lucky was the only non-invasive monitoring method. Ex. 33.

- 5.16. Ms. Morrison did not receive a response from HTL regarding the above correspondence from her physicians.
- 5.17. In approximately January 2013, Ms. Morrison met with Cameron Vantassell, a nutritionist referred to her by Dr. Treece. Mr. Vantassell recommended Ms. Morrison incorporate meat and dairy into her diet to better control her hypoglycemia. They also discussed other alternative protein sources including quinoa and faux meat products. For approximately one month, Ms. Morrison tried incorporating meat and dairy into her diet, but could not stomach them, continued to experience daily blood sugar lows, and ultimately stopped. See Ex. 36.
- 5.18. Meanwhile, Ms. Morrison tried to utilize the alternative accommodations HTL provided her. She left Lucky in her vehicle in the reserved parking space, but when weather conditions became too unbearable for him, she

drove him the approximately 13.6 miles home, and then returned to work. See Ex. H, p.2. This happened approximately three times each week during the summers, at Ms. Morrison's expense (13 weeks of Summer 2012 + 13 weeks of Summer 2013; 13 weeks x 3 days per week = 39 days each summer; 39 days x 27.2 miles roundtrip = 1,060.8 miles each summer; 1,060.8 x .55 per mile in 2012 = \$583.44; 1,060.8 miles x .56 per mile in 2013 = \$599.35; \$583.44 + \$599.35 = **\$1,182.79**). *Id.* Ms. Morrison also invested \$97.29 in a sunshield for her car to help keep the temperature down for Lucky. Ex. 42. From April 2012 throughout her employment at HTL, Ms. Morrison spent approximately \$3.50 per workday for approximately 420 workdays minus holidays (i.e. approximately **\$1,450.00**) on additional snack food trying to keep her blood sugar elevated throughout the work day.

- 5.19. By the time of her last appointment with Dr. Treece in September 2013, Ms. Morrison had gained at least 10 pounds. Ms. Morrison attributed this "in part because she eats to prevent a low bs at work." Ex. 39, p.1. Dr. Treece prescribed continuing her present dietary management, and noted that "she is at risk for developing diabetes with further [weight] gain." Ex. 39, p.3.
- 5.20. On or around October 28, 2013, Ms. Morrison resigned her employment with HTL effective November 8, 2013 due to deteriorating health and her need for Lucky onsite. See Ex. D. She was afraid of her blood sugar lows, could not sleep, suffered from depression, and had gained weight.
- 5.21. On or around November 11, 2013, Ms. Morrison started work full time for OIC of Washington, a community action agency providing benefits to low-income families. Ms. Morrison worked in OIC's community service program helping qualified applicants obtain energy assistance, and helping to run the food bank. Ms. Morrison earned \$17.35 per hour, and was able to have Lucky onsite as her service animal. In approximately May 2015, Ms. Morrison self-demoted to part-time work as receptionist, and applied for early social security benefits. Although OIC continued to maintain her rate of pay at \$17.35, which was high for the position, Ms. Morrison asked OIC to reduce her hourly wage to \$15.00 so that she could collect social security benefits. Since Lucky has been at work with her, Ms. Morrison has had no doctor appointments for her hypoglycemia.

HRC Investigation

5.22. On or around July 19, 2012, Ms. Morrison filed a disability discrimination complaint with the Commission. Ex. J. In April 2013, Ms. Morrison submitted her written account of Lucky's training to the Commission. Ex. 37. In December 2014, the Commission issued a Reasonable Cause Finding, stating "a preponderance evidence supports a finding that that Complainant was discriminated against in employment on the basis of Disability and Use of a Trained Service Animal" under RCW 49.60.180(3) and WAC 162-22-025(1). The Commission stated in part:

Complainant is an individual with a Disability and uses a Service Animal, which is trained for the purpose of assisting Complainant with her Disability. Respondent refused to allow Complainant to have her service animal in Respondent's workplace, which subjected Complainant to unfair treatment compared to similarly situated employees who do not use a trained service animal.

The evidence supports that the alternative accommodation offered by Respondent was not an effective accommodation. Respondent failed to show that allowing Complainant to bring her Service Animal to work constituted an undue hardship, and refused to allow Complainant an effective accommodation that would have allowed Complainant to perform the essential functions of her job and enjoy equal access to the benefits and privileges of employment.

Ex. 6, pp. 4-5.

5.23. In its February 17, 2016 complaint filed against HTL, the Commission alleged that HTL violated Chapter 49.60 RCW by discriminating against Ms. Morrison because she used a service animal. Ex. 1. The Commission alleged that, as a result, Ms. Morrison suffered damages including lost wages and benefits, expenses, pain and suffering, and emotional distress among others. The Commission requested corresponding monetary damages, as well as (1) equal employment opportunity training approved by the Commission or attorney general's office for all HTL management employees, (2) a prohibition against further such discrimination against

disabled persons with service animals, (3) employee manual revisions, and (4) other necessary equitable relief. *Id.*

5.24. On July 8, 2016, HTL answered the complaint, denying it discriminated against Ms. Morrison for using a service animal, and denying it failed to reasonably accommodate Ms. Morrison. Ex. 2. HTL further denied the Commission's request for relief. *Id.*

5.25. At no time has HTL contended that Lucky posed an unreasonable risk of harm to persons or property, or an undue hardship, if allowed to be with Ms. Morrison at work. See Ex. 56, p.6.

6. CONCLUSIONS OF LAW

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

Jurisdiction

6.1. I have jurisdiction over the persons and subject matter in this case under Chapters 49.60 and 34.05 RCW, and Chapters 10-08 and 162-08 WAC.

Washington State Disability Discrimination Laws and Regulations

6.2. The right to obtain and hold employment without discrimination based on the presence of a 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. RCW 49.60.030(1).

6.3. It is an unfair practice for any employer to discriminate against any person in the terms or conditions of employment because of the presence of a sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability. RCW 49.60.180(3).

6.4. It is an unfair practice for an employer to request that a trained dog guide or service animal be removed from the workplace, unless that employer can show that the presence, behavior or actions of that dog guide or service animal constitutes an unreasonable risk to property or other persons. WAC 162-22-100(1). Annoyance on the part of staff at the workplace at the presence of the dog guide or service animal is not an unreasonable "risk to property or other persons" justifying removal of the dog guide or service animal. *Id.*, (2)(b).

- 6.5. "Disability" means the presence of a sensory, mental, or physical impairment that" (i) is medically cognizable or diagnosable; (ii) exists as a record or history; or (iii) is perceived to exist whether or not it exists in fact. RCW 49.60.040(7)(a). A disability exists whether it is mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job. *Id.*, (7)(b). "Impairment" includes but is not limited to any physiological disorder or condition affecting a system of the body including the endocrine system. *Id.*, (7)(c)(i). To qualify for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and: (i) the impairment must have a substantially limiting effect upon the individual's ability to perform her job, (ii) the employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a *reasonable likelihood* that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect. *Id.*, (7)(d)(emphasis added).
- 6.6. "Service animal" means an animal that is trained for the purpose of assisting or accommodating a sensory, mental, or physical disability of a person with a disability. RCW 49.60.040(24).
- 6.7. The administrative law judge's order should generally both eliminate the effects of an unfair practice and prevent the recurrence of the unfair practice. WAC 162-08-298(2). Included among remedies that will effectuate the purposes of the law against discrimination in an appropriate case include (a) reinstatement of those unfairly terminated, downgraded, or reclassified, (b) back pay, (c) an order to pay an amount equal to the difference in pay between the job the person had and the job they would have had but for the employer's unfair practice, (d) an order to pay a sum of money of up to twenty thousand dollars to compensate persons for humiliation and mental suffering caused by an unfair practice; (e) an order to institute affirmative programs, practices, or procedures that will eliminate an unfair practice or its effects, or will prevent the recurrence of the unfair practice. *Id.*, (4). This list is not exhaustive. An administrative law judge may make any order that will effectuate the purposes of the law against discrimination, provided the order complies with Commission rules and is not otherwise prohibited by law. *Id.*; RCW 49.60.250(5).

- 6.8. In every case where the administrative law judge finds that an employer has engaged in an unfair practice the administrative law judge shall order the employer to cease and desist from that unfair practice. WAC 162-08-298(3).

HTL Unlawfully Discriminated Against Ms. Morrison.

- 6.9. At all times relevant hereto, Ms. Morrison suffered from hypoglycemia, an impairment she was diagnosed with that causes her blood sugar to drop without warning, resulting in debilitating symptoms. These symptoms in turn impacted, and threatened to substantially limit, Ms. Morrison's ability to perform her job at HTL on a daily basis. Ms. Morrison found the best way to identify and prevent debilitating blood sugar drops was through the use of her service dog, Lucky, who she successfully trained specifically to alert of her to dropping blood sugar. However, despite repeated requests by Ms. Morrison and her health care providers to allow her to bring Lucky to work, HTL said no. First, HTL questioned whether Lucky was in fact trained. Then, HTL made other accommodations for Ms. Morrison, none of which were reasonable. Additional breaks to eat and test blood sugar were ineffective, and only caused Ms. Morrison to gain weight. Keeping Lucky in the car where he could not regularly smell and alert Ms. Morrison was pointless. Though HTL admitted that Lucky would not pose any risk of harm to anything or anyone, HTL simply and repeatedly said no to Lucky.
- 6.10. Under RCW 49.60.180, no is not an option for a disabled person's trained service animal in the workplace when it poses no unreasonable risk of harm to persons or property. HTL knew as early as April 2012 that Lucky was trained enough to alert Ms. Morrison to blood sugar drops, and had in fact done so, even though he had not fully completed training. Although HTL felt justified in denying Lucky's presence indoors with Ms. Morrison, in doing so HTL violated RCW 49.60.180.
- 6.11. Denying Lucky also amounted to denying Ms. Morrison reasonable accommodation, in further violation of RCW 49.60.180. HTL argued that Ms. Morrison's hypoglycemia did not substantially limit her job performance, and that she was still able to successfully perform the duties of her position without Lucky present, especially given the other accommodations HTL offered. However, the law does not require Ms. Morrison to wait to suffer a substantial work limitation in order to obtain a

reasonable accommodation. Ms. Morrison and her health care providers told HTL of the danger of Ms. Morrison's condition without reasonable accommodation, specifically Lucky. HTL's failure to reasonably accommodate Ms. Morrison by providing her a work environment where Lucky could be regularly near her amounted to a violation of RCW 49.60.180.

- 6.12. HTL argued that RCW 49.60.180 is void for vagueness. Not only do I disagree in this instance, but even if I did not, this tribunal lacks jurisdiction to determine a statute void.

Remedies

- 6.13. The Commission argues that Ms. Morrison is entitled to back pay in the amount of \$64,579, and front pay totaling \$58,120, as well as \$3,500.00 in out-of-pocket expenses and \$20,000.00 for humiliation and mental suffering. I accept this in part, and reject it in part. Because Ms. Morrison went to work full-time at OIC less than one week after resigning with HTL, and at a higher pay rate, and then voluntarily reduced her schedule to part-time hours several months later at a pay cut she requested, Ms. Morrison is entitled to neither back pay nor front pay under RCW 49.60.250.
- 6.14. However, Ms. Morrison incurred numerous out-of-pocket expenses in trying to cope with HTL's wrongful prohibition of Lucky. These expenses included (a) the cost of the sunshield for her car trying to keep Lucky cool (\$97.29), (b) the cost of driving Lucky home when the weather became too hot (\$1,182.79), and (c) the cost of the extra food she had to eat at work in hopes of avoiding a blood sugar crash (\$1,450.00), for a total of at least \$2,730.00. HTL argued that Ms. Morrison would generally have driven home anyway during her workday to take her daughter home from work, and thus did not drive home just for Lucky's sake. However, HTL provided insufficient supporting evidence that Lucky's health was not the main reason for Ms. Morrison's trips home and back during the workday. Ms. Morrison in turn provided insufficient documentary evidence or testimony of the specific amount of co-pays she was required to pay for unnecessary treatment of her hypoglycemia.
- 6.15. HTL is thus responsible for paying Ms. Morrison \$2,730.00 in out-of-pocket expenses under RCW 49.60.250. HTL must also pay Ms. Morrison

\$20,000.00 in damages for the humiliation and mental suffering caused by HTL's arbitrary denial of Lucky. Ms. Morrison endured over a year and a half of HTL's unreasonable accommodations and their repercussions on her health, and is thus entitled to the maximum award of mental suffering damages permitted under RCW 49.60.250(5) and related regulations.

- 6.16. In addition, HTL must cease and desist from denying disabled employees their service animal onsite absent a showing that the service animal poses an unreasonable risk to property or other persons. HTL must also cease and desist from denying disabled employees reasonable accommodation, up to and including their service animal, in violation of Chapter 49.60 and related regulations.
- 6.17. Finally, all HTL management employees must complete a session of equal employment opportunity training approved by the Commission, covering reasonable accommodation and service animals. HTL top management, including its human resources director, clearly had insufficient knowledge of Washington disability discrimination law, particularly concerning service animals, at all times relevant to this matter. Such training will serve to prevent future disability discrimination at HTL similar to that suffered by Ms. Morrison.

7. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

- 7.1. Respondent Haney Truck Line violated Chapter 49.60 RCW and related regulations by failing to allow Ms. Morrison to bring her service animal to work.
- 7.2. Respondent Haney Truck Line is liable to Ms. Morrison in the amount of \$22,730.00 in compensatory and mental suffering damages. Respondent Haney Truck Line must also cease and desist from further improper denials of reasonable accommodations, including service animals. All management employees of Respondent Haney Truck Line must complete a session of Commission-approved equal employment opportunity training covering reasonable accommodation and service animals.

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Issued from Tacoma, Washington, on the date of mailing.



Lisa N. W. Dublin
Administrative Law Judge
Office of Administrative Hearings

APPEAL RIGHTS

REQUEST 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 98402

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.

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 all parties of record within thirty (30) days of mailing of the final order. Service of the petition for judicial review on opposing parties is completed when deposited in the U.S. 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 MAILING IS ATTACHED

CERTIFICATE OF SERVICE FOR DOCKET NO 02-2016-HRC-00001

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services, upon the following as indicated:

<p>Colleen Morrison PO Box 1338 Moxee, WA. 98936 Petitioner</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Gary Lofland Meyer Fluegge & Tenney PS PO Box 22680 Yakima, WA 98907 FAX: 509-575-4676 Respondent Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Marsha Chien, AAG Chalia Stallings-Ala'ilima Office of the Attorney General MS: TB-14 800 Fifth Avenue, Suite 2000 Seattle, WA 98104 FAX: 206-464-6451 Agency Representative</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input checked="" type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Friday, March 10, 2017

OFFICE OF ADMINISTRATIVE HEARINGS



Melanie Barnhill
Legal Assistant