STATE OF CONNECTICUT
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

CASE ASSESSMENT REVIEW

David Medeiros
COMPLAINANT

VS.

State of Connecticut, Department of Social Services
RESPONDENT

CHRO NO. 2410220 DATE FILED: NOVEMBER 14, 2023
EEOC NO. N/A

Connecticut law requires the Commission on Human Rights and Opportunities (CHRO) to conduct a case assessment review (CAR) of this complaint. The purpose of the CAR review is to determine whether the complaint should be retained for further processing or dismissed.

The CHRO has conducted a thorough review of the file and has dismissed the complaint for the following reason(s):

☐ The complaint fails to state a claim for relief because:

☐ The complaint is frivolous on its face because:

☐ The respondent is exempt because:

☒ There is no reasonable possibility that investigating the complaint will result in a finding of reasonable cause because: The Complainant, David Medeiros, alleges the Respondent, the Department of Social Services, has denied him equal services on the basis of his status as a survivor of a stroke and brain injury and a previous complaint filed in 2015 with the Respondent. Specifically, the Complainant alleges that the Respondent has required that he only communicate once or twice a week, that they have implied that his concerns are based on misunderstandings, that he settle disputes by himself rather than availing himself of their services, that he has filed

complaints on behalf of others without their permission, and that doing so has discredited both himself and his business.

With respect to an allegation of retaliation for previously filing the Complaint, courts generally require there to be a short amount of time between the opposition and the adverse action in order for there to be an inference of discrimination. While there is no hard and fast rule, this is generally a matter of months. Here, the Complainant alleges the opposition occurred in 2015. Absent an allegation directly connecting the retaliation to the complaint, this is too long ago for there to be an inference that the complaint caused the retaliation.

The Respondent has provided the email exchange from the Respondent that forms the basis of the complaint. It is dated September 28, 2023 and is to the Complainant from DSS Interim Director Amy Dumont. In it, the Respondent requests that the Complainant limit his communications to a weekly or biweekly frequency as the volume of communications that he has sent exceeds their capacity to respond to each individually. They also offer to meet with the Complainant on a monthly basis to discuss any concerns that he may have. As is alleged, the Respondent encourages the Complainant to raise concerns with relevant parties directly prior to reaching out to the Respondent, absent an emergency. The Email does note that investigations into previous concerns have shown that the facts as conveyed are either inaccurate or based on misunderstandings. It also notes that "family members of individuals have expressed concern that you are making complaints on their behalf without their knowledge or consent and often based on inaccurate information."

There are two legal issues with respect to the allegations: the first is that the record shows the respondent was motivated to send this email in response to the Complainant's pattern of communications as opposed to his disability. There is no dispute that the Complainant has a protected disability, but that does not mean that any actions the Respondent may take with him is therefore on the basis of said disability. Here, the documentary evidence shows that the Complainant was sending multiple communications that "exceeds the ability of the Department to respond to them individually." It is not a violation of the law within the jurisdiction of the CHRO to take an action on account of too many communications. The Respondent must be motivated to act based on a person's protected class status as opposed to their actions for there to be an actionable complaint.

The other issue is that this email does not constitute a denial of services by the Respondent. Rather, the email is an attempt to provide its services in a more manageable manner. For example, the Respondent starts by noting that the Complainant communicates frequently and requests – but does not require – that the Complainant limit his communications to a frequency that

is within the Respondent's capacity to address. The offer to follow up with regular verbal discussions is a service not typically offered to those seeking the Respondent's services. That is to say that the Respondent has not denied the Complainant the opportunity to communicate or have his concerns addressed but has rather tried to put in place a communication strategy that would be more accommodating of the Complainant. More to the point, this is a request and an offer rather than a restriction; there has been no denial of service and therefore no violation can be found.

The next allegation fares the same – the Respondent encourages the Complainant to raise concerns with others directly but does not require it. Absent a requirement, there cannot be a legal violation that is found as the Complainant has not been denied any service.

The remaining parts of the email are statements rather than decisions. The first notes that past inquiries into his concerns have revealed the facts to be misunderstandings or inaccurate. While the outcome of those investigations is not to the Complainant's favor, that does not therefore mean that the Complainant has been denied service – it shows that the concerns were investigated and that factual determinations were made; that the Complainant had had previous inquires addressed within the scope of the Respondent's obligations. As for the statement about what has been brought to its attention from others, the Respondent is as open to the comments of family members as it is to the Complainant's. Again, the key is that there is no indication that the Complainant has been denied any service as a result of this statement.

Given the above, the record is sufficient to show that the Complainant has not been denied equal services. The Respondent has certainly requested that the Complainant communicate with them in a particular manner but there is no indication that this is a requirement nor that this constitutes a denial. If anything, the Respondent has offered to implement a plan to address the Complainant's concerns both in writing and in regular meetings. This record is sufficient to show that further investigation is unlikely to result in a finding that there is reasonable cause to believe the Complainant has been denied equal services.

As this complaint was dismissed, a release of jurisdiction allowing the complainant to bring a civil action in court has been attached to this notice.

May 29, 2024
Dated:

Commission on Human Rights and Opportunities
450 Columbus Boulevard, Suite 2
Hartford, CT 06103