

MAINE HUMAN RIGHTS COMMISSION

Memo

Date: March 27, 2007
To: Robert Beauchesne, Investigator
From: John Gause, Commission Counsel
Re: [REDACTED]
E/PA06-0126

You asked me to look at the issue of whether the above-referenced charge of discrimination is timely. Complainant filed with the Commission on January 30, 2006 (this is the date of the intake questionnaire; the formal charge was filed on March 9, 2006). He alleges that he has been barred from the school property in retaliation for filing a charge of discrimination with the Commission. He alleges that he was told in writing on December 23, 2004 (letter from Respondent's attorney, Exhibit 11 to Respondent's submission) that he could only have limited access to the school. Since then, he alleges that he has "never dared to attend anything as I was fearful I would not be allowed in."

In order for a complaint of discrimination to be timely, a charging party must file with the Commission "not more than [REDACTED] after the alleged act of unlawful discrimination." 5 M.R.S.A. § 4611. A "continuing violation" theory is not available to extend the limitations period in cases involving discrete acts of discrimination. See *AMTRAK v. Morgan*, 536 U.S. 101, 105 (2002). The limitations period begins to run when complainant has "received unambiguous and authoritative notice of the discriminatory act." *LePage v. Bath Iron Works Corp.*, 909 A.2d 629, 635 (Me. 2006). The fact that a discriminatory act continues to have effects into the limitations period does not alone extend the limitations period beyond six months. See *Lightfoot v. Union Carbide Corp.*, 110 F.3d 898, 907 (2nd Cir. 1997).

Here, Complainant has not alleged any acts of unlawful discrimination within the [REDACTED] prior to filing his charge with the Commission. Moreover, with respect to the EEOC charge, he has not alleged any acts within 300 days of his filing. Accordingly, his charge is untimely and should be administratively dismissed.

Cc: Patricia E. Ryan, Executive Director