

(State Division of Human Rights on the Complaint of)	
Stephanie Argento-Beharovic	COMPLAINANT
--Against--	
INM Check Cashing Corp /dba/Bayhurst Check Cashing	RESPONDENT

Federal Charge No: 16GA303036

DETERMINATION AND ORDER AFTER INVESTIGATION

On October 18, 2002, Stephanie Argento-Beharovic filed a verified complaint with the State Division of Human Rights charging the above-named respondent with an unlawful discriminatory practice relating to Employment, because of Disability and Sex in violation of the Human Rights Law of the State of New York.

After investigation, and following review of related information and evidence with named parties, the Division of Human Rights has determined that, insofar as respondent INM Check Cashing Corp /dba/Bayhurst Check Cashing is concerned, there is NO PROBABLE CAUSE to believe that the said respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

The Complainant alleges that Respondent unlawfully terminated her employment because of her Disability and Sex. The record however, does not support such allegations.

Respondent denied that it discriminated against complainant.

The record shows Complainant was hired by Respondent in 1992 as a Cashier. The record shows that Complainant neither presented any medical documentation to support her conditions, nor said her attendance problems were related to her disabilities.

The record shows that in 1995, Respondent opened a new location and despite Complainant's poor attendance, she was promoted to manager of this location. Complainant in her capacity as manager, had many responsibilities, which required an improvement in her attendance. Despite her new responsibilities as Manager, Respondent stated that Complainant's poor attendance continued and she was thus terminated. The record shows Complainant was rehired and despite her promises to improve

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her attendance, failed to do so.

On March, 2002, Complainant went out on maternity and returned in May, 2002. On September 5 - 16, 2002, Complainant was out on vacation. Respondent stated that Complainant was later terminated on October 10, 2002. According to Respondent, it had a legitimate reason to terminate Complainant's employment, as her attendance issues prevented her from performing the duties of a manager. In addition, Complainant's termination on two separate occasions and subsequent reinstatements, does not give credence to her discrimination claims.

Based on the foregoing analysis, I find No Probable Cause to support this complaint.

The complaint is therefore ordered dismissed and the file is closed

Any party to the proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Petition and Notice of the Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, Bronx, NY 10458. DO NOT FILE THE ORIGINAL PETITION AND NOTICE OF PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

PLEASE TAKE FURTHER NOTICE that a complainant who seeks state judicial review and who receives an adverse decision therein, may lose his or her right to proceed subsequently in federal court by virtue of Kremer vs. Chemical Construction Co., 456 U.S. 461 (1982)

As your charge was filed under Title VII of the Civil Rights Act or the Americans with Disabilities Act (ADA) which is enforced by the U. S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC review of this action. To secure a review, you must request it in writing, within 15 days of your receipt of this letter, to EEOC District Office - 33 Whitehall Street , 5th Floor, New York, New York 10004. Otherwise, EEOC will generally adopt our action in your case.

DATED AND MAILED : JHK
3/28/03

STATE DIVISION OF HUMAN RIGHTS
By _____
Joseph H. Kaufman
Regional Director