

MICHIGAN CIVIL RIGHTS COMMISSION

**Cadillac Place
3054 West Grand Boulevard
Suite 3-600
Detroit, Michigan 48202**

**MICHIGAN DEPARTMENT OF CIVIL RIGHTS,
ex rel Mazyn Barash,**

Claimant,

Case No. 325610

v.

**Suburban Mobility Authority for Regional
Transportation (SMART),**

Respondent.

W. Ann Warner (P42451)
Attorney for Claimant
Michigan Department of Civil Rights
Cadillac Place Suite 3-600
3054 West Grand Boulevard
Detroit, Michigan 48202
Telephone (313) 456-3793
Facsimile (313) 456-3721
warnerwa@michigan.gov

CHARGE OF DISCRIMINATION

The complaint of claimant Mazyn Barash, filed with the Michigan Department of Civil Rights (MDCR), alleges that respondent Suburban Mobility Authority for Regional Transportation (SMART), its agents, officers, members and employees, have unlawfully discriminated against claimant by denying him the enjoyment of civil rights guaranteed by the constitution and laws of the State of Michigan and the United States of America.

MDCR, in accordance with its rules and regulations, informed Respondent of these allegations, conducted an investigation and found sufficient grounds to issue this

charge of discrimination. MDCR attempted to conciliate this matter; however, conciliation was not successful and MDCR now issues this charge of discrimination, alleging that:

- I. At all times pertinent, Claimant was a resident of the City Farmington Hills, Oakland County, Michigan.
- II. At all times pertinent, Respondent SMART maintained a business in the City of Detroit, Wayne County, Michigan.
- III. Claimant is employed by Respondent as a bus mechanic.
- IV. Claimant is of Chaldean Iraqi descent.
- V. During his employment, Claimant has been, and continues to be, subjected to harassment based on his national origin, including, but not limited to, derogatory comments such as calling Claimant a "rag head," a "towel head," and asking Claimant where his camel was.
- VI. Claimant was also subjected to offensive and stereotypical drawings and cartoons which were intended to and did ridicule persons of Claimant's national origin.
- VII. Respondent's supervisory personnel were made aware of the derogatory comments, conduct and drawings, but took no action to stop the harassment and/or to insure that no further harassment occurred.
- VIII. The conduct and communication to which he was subjected and continues to be subjected substantially interfered with claimant's employment and/or created a hostile, intimidating and offensive working environment.

- IX. Respondents' actions are in violation of the Elliott-Larsen Civil Rights Act, M.C.L.A. §§ 37.2101 *et seq.*, and Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000 *et seq.*, as they constitute unlawful discrimination based on national origin.
- X. As a direct and proximate result of Respondents' unlawful discrimination, Claimant has suffered, and continues to suffer, loss of wages and benefits, medical expenses, humiliation, extreme embarrassment, extreme emotional distress, and mental anguish.

THEREFORE, IT IS REQUESTED THAT AN ORDER BE ISSUED COMPELLING:

- A. Respondent, its officers, agents and employees to cease and desist from unlawfully discriminating against its employees based on national origin.
- B. Respondent to reimburse Claimant for all lost wages and benefits sustained as a result of respondents' unlawful discrimination, together with interest thereon, less interim income.
- C. Respondents pay monetary compensation to the claimant for humiliation, extreme embarrassment, extreme emotional distress, and mental anguish, which he sustained because of Respondent's unlawful discrimination.
- D. Such further relief as seems just and proper.

Dated: June 19, 2006

W. Ann Warner (P42451)
Attorney for Claimant
Michigan Department of Civil Rights
Cadillac Place Suite 3-600
3054 West Grand Boulevard

Detroit, Michigan 48202
Telephone (313) 456-3793
Facsimile (313) 456-3721
warnerwa@michigan.gov