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3 NO NAME ANONYMOUS,
4 Complainant
5 vs.
6 MADE UP COUNTRY, INC.
7 Respondent

Charge Number: 410-2021-XXXX

REBUTTAL POSITION STATEMENT

8 INTRODUCTION

9 This case is about a person of color who has faced sex discrimination and retaliation at Made Up
10 Country America Inc. The Complainant respectfully requests the Commission find cause that the Respondent
11 discriminated against No Name on the basis of sex, gender, wrongful termination, retaliation, race, and color in
12 violation of the law. There is sufficient evidence to support a probable cause finding and establish a prima facie
13 case of discrimination.

14 FACTUAL BACKGROUND

15 I. Mr. No Name Was Not a supervisor

16 No Name is a mother and grandmother and also a hard worker who loves to support her family.

17 She is adept at working with processes, she understands teams and working as part of one, and she
18 also has conflict resolution skills. She is also humble when corrected and she does not shun away
19 from conversations that require accountability. When No Name was hired, she was told No Name
20 was a lead and her supervisor was Mr. Also No Name. Mr. No Name ran daily team meetings,
21 conducted performance reviews, and assigned shift work. No Name never interacted with Mr. No
22 Name until the contention between she and Mr. No Name started. The team was instructed to
23 follow Mr. No Name's lead who at one point, was able to take No Name out of a training class.

24 REBUTTAL – POSITION STATEMENT

25 ATTACHMENTS:

- 26
27 (1) EMAIL COMMUNICATIONS TO HUMAN RESOURCE REPRESENTATIVE
28 (2) ELECTRONIC COMMUNICATION CONVERSATIONS FOR CALL-OUTS
(3) PROOF OF COVID TEST
(4) ONLINE EMPLOYEE CONCERNS AND REVIEWS

1 It is unknown why he did not want her to be part of training. This is also when he asked her about
2 her reproductive organs.

3 II. No Name's treatment at This Company, Inc.

4 No Name was openly demeaned by Mr. No Name who often called her "dumb" in front of her
5 peers. One witness, Andreu Witness, saw Mr. No Name calling No Name such.

6 On one occasion, No Name asked Mr. No Name for the daily safety data sheet to review for the
7 day. No Name wanted to review it because she would be working new chemicals and materials. He refused by
8 telling her no. No Name went to another peer, Bryan, and asked him to get the safety data sheet from Mr. No Name
9 because she wanted to understand what chemicals and materials she would be working with for the day. Bryan
10 entered the room where Mr. No Name was and exited with the data sheet in his hand. No Name asked Bryan did he
11 ask Mr. No Name for the sheet and Bryan responded yes and said he (Mr. No Name) just gave it to him.

12 In an email dated May 16, 2021, No Name wrote to Human Resources representative Kevin
13 Rourke to raise concerns about an incident she experienced with Mr. No Name. The incident was so contentious,
14 No Name left the facility for the day, emotionally and physically upset after being berated by Mr. No Name, who
15 again is not her supervisor but allowed to engage with others in a leadership capacity.

16 III. Attendance

17 While Made Up Company, Inc. contends No Name was a no-call, no-show for absences, this
18 simply is not true. No Name called in and reported her absences through the channels for which
19 she was instructed.

20 Made Up Company mentions the date of June 23, 2021. No Name called and spoke with Mr. Jenkins
21 on June 26, 2021, to explain she had been exposed to covid and she needed to go get tested. Per general covid
22 protocols, if you have believed you had been exposed or have symptoms, you should call into work, go get tested,
23 and protect and show courtesy to others by not coming to work until your symptoms have passed.

24 For September 2, 2021, Made Up Company states No Name was a no-call, no-show (please see
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1 attached communication). No Name communicated back and forth with Mr. Jenkins via the Talk App. For
2 September 7, 2021, Made Up Company states No Name was a no-call, no-show. No Name communicated back and
3 forth again with Mr. Jenkins via the Talk App. These so-called instances of “no-call, no-show” simply is not true.

4 Also, on August 31, 2021, No Name sent an email to Human Resources representative Kevin
5 Rourke, explaining her absence due to a death in the family. No Name asked what she could do to avoid having her
6 job impacted. No Name received no return email, and no phone call offering her time-off or bereavement or
7 anything.

8 Per their own statement, Made Up Company states No Name accrued 10 attendance points, and in
9 accordance with its attendance policy and consistent practice, they terminated her employment. Based on the
10 documented conversations between No Name and Mr. Rourke, Made Up Company was informed of her absence.
11 Their statements about her absences are not true and because they have cited this as a reason for her termination, we
12 contend she was wrongfully terminated because No Name was in communication with Mr. No Name via the Talk
13 App. The accrued attendance points they state they show are incorrect.

14 DISCUSSION

15 The documentation presented by No Name in this case proves Made Up Company, Inc. was discriminatory
16 towards her in regard to her sex, gender, and retaliation. There is also sufficient documentation to prove she was
17 wrongly terminated. No Name has made more than an adequate showing that she was subjected to this wrongful
18 treatment. She has connected direct evidence of discrimination to her claim.

19 CONCLUSION

20 The overwhelming evidence present by No Name not only establishes a prima facie case of discrimination,
21 but clearly shows what she has brought before the Commission is more probable than not that Made Up Company,
22 committed unlawful discrimination and retaliation against her. The Commission should therefore find probable
23 cause that No Name was discriminated against and wrongfully terminated.

24 Dated this 14th day of July 2022.

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No Name Signature

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