



Maine Human Rights Commission

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INVESTIGATOR'S REPORT

MHRC Case No. E17-0346

April 4, 2019

Kristin Robinson (Portland)

v.

Emilio Estates, Inc. (East Corinth)

I. Summary of Case:

Complainant Kristin Robinson, who worked as a certified residential medication aide ("CRMA"), alleged that Respondent retaliated against her when they discharged her for reporting unsafe activity. Respondent Emilio Estates, Inc., a residential care facility, denied retaliating against Complainant and stated Complainant was discharged when she violated the Health Insurance Portability and Accountability Act ("HIPAA"). Based upon this information, the Investigator recommends a finding that there are reasonable grounds to believe Respondent retaliated against Complainant for engaging in protected activity.

II. Jurisdictional Data:

- 1) Dates of alleged discrimination: January 27, 2017.
- 2) Date complaint filed with the Maine Human Rights Commission ("Commission"): July 26, 2017.
- 3) Respondent is subject to the Maine Whistleblowers' Protection Act ("WPA"), as well as state employment regulations.
- 4) Complainant is represented by Chad Hanson, Esq. Respondent is represented by Michael L. Rair, Esq.

III. Development of Facts:

- 1) Complainant provided the following in support of her claims:

Complainant worked as a CRMA for Respondent for several years. As part of her employment, Complainant received periodic CRMA training from a third party. With her additional training, Complainant began to note many of Respondent's practices did not meet professional standards. Because Complainant also believed some practices were unsafe/illegal, she reported them to her supervisor ("Administrator"). When Administrator did not respond, Complainant reported to the owner ("Owner") and other persons in management. When Complainant's concerns were still not addressed, she reported to a state agency ("State Agency") who inspected Respondent's facility. Days later, Owner told Complainant she needed to "clean the rats out of her house" and discharged Complainant without explanation.