

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
DOCKET NUMBER: ED08EB-61921

EL'JAI JORDAN DEVOUREAU
COMPLAINANT(S)

-vs-

URBAN TREATMENT ASSOCIATES, INC.
RESPONDENT(S)

)
)
) Verified Complaint
) Received and Recorded
) Date:12/06/2010
) Department of Law and Public Safety
) Division on Civil Rights
) By A. Gonzalez
)
)
)

1. The Complainant (s) reside(s) at:

EL'JAI JORDAN DEVOUREAU

2. To the best of Complainant's knowledge and belief, the Respondent(s) known as: URBAN TREATMENT ASSOCIATES, INC. and located at:

URBAN TREATMENT ASSOCIATES, INC.
424 MARKET STREET
SUITE 32
CAMDEN NJ 08102
CAMDEN COUNTY

3. Charge of Discrimination:

The above named respondent(s) is hereby charged with unlawful discrimination in violation of the named statutes with respect to the following charges:

3.1 Discharge because of Gender Identity/Male in violation of NJ Law Against Discrimination(NJSA 10:5-12a)

4. THE CHARGE IS BASED ON THE FOLLOWING:

4.1 Complainant belongs to a protected class, in that, his gender identity is male.

4.2 Respondent hired Complainant as Male Drug and Urine Tester on June 7, 2010.

4.3 Respondent discharged Complainant on June 9, 2010.

4.4 Respondent sought others to perform Complainant's work.

5. RESPONDENT'S REASON FOR ADVERSE ACTION:

5.1 Respondent's Director, Van Macaluso, advised Complainant he was being discharged because someone told her (Macaluso) that Complainant was not a man, that he did not have the parts of a man and that the job called for a biological male.

6. DISCRIMINATION STATEMENT:

6.1 Complainant alleges he was discriminated against based on his gender identity.

6.2 Specifically, Complainant denies he is not a man, and alleges that his gender identity factored into Respondent's decision to terminate his employment.

Office of the Attorney General
 New Jersey Division on Civil Rights
 Camden Office

JAN 18 2011

Received & Filed by: *S.C.*

HUNZIKER, JONES & SWEENEY, P.A.
 Wayne Plaza II
 155 Route 46 West
 Wayne, New Jersey 07470
 (973) 256-0456
 Attorneys for Respondent, Camden Treatment
 Associates, L.L.C., t/a Urban Treatment Associates, Inc.

STATE OF NEW JERSEY
 DEPARTMENT OF LAW & PUBLIC SAFETY
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 DOCKET NUMBER: ED08EB-61921

EL'JAI DEVOUREAU,
 Complainant,

-vs-

**URBAN TREATMENT
 ASSOCIATES, INC.,**
 Respondent.

ANSWER TO VERIFIED COMPLAINT

Respondent, Camden Treatment Associates, L.L.C., trading as Urban Treatment Associates, Inc. [hereinafter referred to simply as "Urban Treatment Associates, Inc."], having its principal place of business at 424-432 Market Street, Camden, New Jersey, by way of Answer to the Verified Complaint of El'Jai Devoureau, says:

1. Respondent, Urban Treatment Associates, Inc., is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 1 of Complainant's Verified Complaint.

2. Respondent, Urban Treatment Associates, Inc., admits the allegations of Paragraph 2 of Complainant's Verified Complaint, except to correct Respondent's address to read correctly 424-432

Market Street, Camden, New Jersey.

3.1 Respondent, Urban Treatment Associates, Inc., denies the allegations of Paragraph 3.1 of Complainant's Verified Complaint.

4.1 Respondent, Urban Treatment Associates, Inc., is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 4.1 of Complainant's Verified Complaint.

4.2 Respondent, Urban Treatment Associates, Inc., admits the allegations of Paragraph 4.2 of Complainant's Verified Complaint, except to state affirmatively that the date of hire was June 8, 2010.

4.3 Respondent, Urban Treatment Associates, Inc., admits the allegations of Paragraph 4.3 of Complainant's Verified Complaint.

4.4 Respondent, Urban Treatment Associates, Inc., admits the allegations of Paragraph 4.4 of Complainant's Verified Complaint.

5.1 Respondent, Urban Treatment Associates, Inc., admits the allegations of Paragraph 5.1 of Complainant's Verified Complaint.

6.1 Respondent, Urban Treatment Associates, Inc., denies the allegations of Paragraph 6.1 of Complainant's Verified Complaint.

6.2 Respondent, Urban Treatment Associates, Inc., denies the allegations of Paragraph 6.2 of Complainant's Verified Complaint.

7. Respondent, Urban Treatment Associates, Inc., denies the allegations of Paragraph 7 of Complainant's Verified Complaint, except to admit that it conducts its business and that its decision with regard to employment that is the subject of the within matter occurred within Camden County, New Jersey.

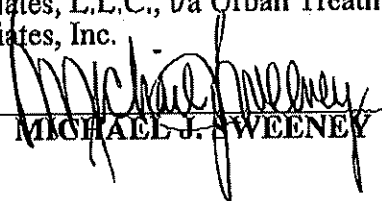
8. Respondent, Urban Treatment Associates, Inc., denies that the Complainant is entitled to any relief against the Respondent as alleged in Paragraph 8 of Complainant's Verified Complaint.

9. Respondent, Urban Treatment Associates, Inc., is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 9 of Complainant's Verified Complaint.

WHEREFORE, Respondent Urban Treatment Associates, Inc., demands judgment dismissing Complainant's Verified Complaint with prejudice.

HUNZIKER, JONES & SWEENEY, P.A.
Attorneys for Respondent, Camden Treatment Associates, L.L.C., t/a Urban Treatment Associates, Inc.

DATED: January 17, 2011

By: 
MICHAEL J. SWEENEY

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The termination of Complainant's employment by the Respondent was for legitimate business, non-pretextual, reasons, and was not motivated by, nor related in any way to, any discriminatory intention on the part of the Respondent.

SECOND AFFIRMATIVE DEFENSE

Respondent's termination of Complainant's employment was not done in an unlawful or discriminatory manner, since the sex of the employee engaged in that particular job position is a bona fide occupational qualification, reasonably necessary to the normal operation of the Respondent's business.

THIRD AFFIRMATIVE DEFENSE

Respondent did not engage in any unlawful discriminatory practices or conduct in the

termination of Complainant's employment.

HUNZIKER, JONES & SWEENEY, P.A.
Attorneys for Respondent, Camden Treatment
Associates, L.L.C., t/a Urban Treatment
Associates, Inc.

DATED: January 17, 2011

By: _____


MICHAEL J. SWEENEY