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ORIGINAL

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

**FILED**

MAR 27 2000

NANCY DOHERTY, CLERK

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION,**

**Plaintiff,**

v.

**DALFORT AVIATION SERVICES,  
DALFORT AEROSPACE, L.P.,**

**Defendants.**

**CIVIL ACTION NO.**

**3 - 00 CV 0666 - T  
COMPLAINT**

**JURY TRIAL DEMAND**

**NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964, as amended, to correct unlawful employment practices on the basis of religion and to make whole Eugene V. Krugh. The Defendants violated Title VII by discriminating against Eugene V. Krugh on the basis of religion, Seventh Day Adventist, by rescinding his offer of employment and failing or refusing to accommodate his religious beliefs. Eugene V. Krugh was offered and accepted a position of Airline Mechanic Trainee with Defendants. Following the acceptance of the position, Defendants withdrew the offer and refused to allow him to work an alternative schedule to resolve the conflict between a work requirement and Mr. Krugh's religious belief that he is not to work on the Sabbath. For Seventh Day Adventists, Sabbath is from sundown Friday until sundown Saturday.

**JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. Sections 451, 1331, 1337,

1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, ("Title VII"), 42 U.S.C. Section 2000e5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. Section 1981A.

2. The employment practices alleged to be unlawful were and are being committed within the jurisdiction of the United States District Court for the Northern District of Texas.

### **PARTIES**

3. The Plaintiff, Equal Employment Opportunity Commission (the "Commission"), is an agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Section 706(a) of Title VII, 42 U.S.C. Section 2000e-5(a).

4. At all relevant times, the Defendants, have been and are now doing business in the State of Texas, and have continuously had at least fifteen employees.

5. At all relevant times, the Defendants have continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

### **STATEMENT OF CLAIMS**

6. More than thirty days prior to the institution of this lawsuit, Eugene V. Krugh filed a charge with the Commission alleging violations of Title VII by the Defendants. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least June 22, 1999, the Defendants have engaged in unlawful employment practices in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a). Specifically, Eugene V. Krugh responded to an advertisement for an Airplane Mechanic Trainee with the Defendants.

8. Eugene V. Krugh completed the application and testing phase of the process and was interviewed for the position. During the interview, Eugene V. Krugh informed the Defendants that he could not work from sundown Friday until sundown Saturday, in accordance with his religious beliefs as a Seventh Day Adventist. The Defendants have engaged in unlawful employment practices by failing or refusing to reasonably accommodate Eugene V. Krugh's religious beliefs.

9. The effects of the practices complained of above have been to deprive Eugene V. Krugh of equal employment opportunities and to otherwise adversely affect his status as an employee because of his religious beliefs.

10. The unlawful employment practices complained of in paragraphs 7-8 above were intentional.

11. The unlawful employment practices complained of in paragraphs 7-8 above were done with malice or with reckless indifference to the federally protected rights of Eugene V. Krugh.

### **PRAYER FOR RELIEF**

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining the Defendants, its officers, successors, assigns, and all persons in active concert or participation with them, from engaging in any employment practice which discriminates on the basis of religion and, specifically, from failing to accommodate employees' religious beliefs.

B. Grant a permanent injunction enjoining the Defendants, its officers, successors, assigns, and all persons in active concert or participation with them, from subjecting their employees to retaliatory treatment in violation of Title VII.

C. Order the Defendants to institute and carry out policies, practices and programs which

provide equal employment opportunities for Eugene V. Krugh which eradicate the effects of their past and present unlawful employment practices.

D. Order the Defendants to make whole Eugene V. Krugh by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful practices, including but not limited to, rightful-place reinstatement and/or promotion.

E. Order the Defendants to make whole Eugene V. Krugh by providing compensation for past and future pecuniary losses resulting from the unlawful practices described in paragraphs 7-8 above, including but not limited to lost wages, relocation expenses, job search expenses, medical expenses not covered by the Defendants' employee benefit plan and other benefits in amounts to be determined at trial.

F. Order the Defendants to make whole Eugene V. Krugh by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices described in paragraphs 7-8 above, including emotional pain, suffering, humiliation and inconvenience in amounts to be determined at trial.

G. Order the Defendants to pay Eugene V. Krugh punitive damages for their malice or reckless indifference described in paragraphs 7-8 above in an amount to be determined at trial.

H. Grant such further relief as the Court deems necessary and proper.

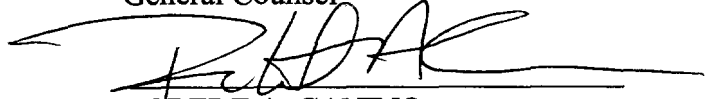
I. Award the Commission its costs in this action.

#### **JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

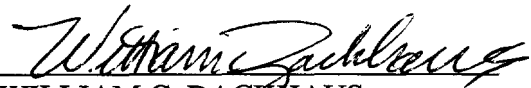
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