

**IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY**

KIMBERLY JACKSON LUM,	)	
on behalf of ARNOLD BROWN,	)	
	)	
DIXIE L. SLEBZAK, and	)	
	)	
ROBERT OVENS,	)	
	)	
Appellants,	)	C.A. No. N10A-12-015
	)	
v.	)	
	)	
STATE HUMAN RELATIONS	)	
COMMISSION,	)	
	)	
Appellee.	)	

**ORDER**

AND NOW, this day 26th of October, 2011, the Court having duly considered Appellants’ appeal from a decision of the State Human Relations Commission, **IT APPEARS THAT:**

1. Kimberly Jackson Lum, on behalf of Arnold Brown, Jr., Dixie L. Slebzak, and Robert Ovens (collectively “Appellants”) filed separate Equal Accommodations Intake Complaints with the Division of Human Relations (“Division”) alleging various state

and private entities violated the Delaware Equal Accommodations Law (“DEAL”).<sup>1</sup>

2. In *Brown v. Christiana Hospital/Care Services* the acting Director of the Division, Vincent Petroff, sent a letter dated May 11, 2010 to Appellant Brown stating that “[a]fter carefully reviewing the information you provided in your claim . . . there does not appear to be discrimination. Therefore, the Division of Human Relations cannot accept your Complaint at this time because it lacks jurisdiction to proceed under the law.”<sup>2</sup> Subsequently, the Director of the Division, Romona Fullman, and Calvin Christopher, Chairperson of the State Human Relations Commission (“Commission”), stated by letter that after reviewing the alleged facts, the Commission did not have legal authority or jurisdiction to enforce the Americans with Disabilities Act.<sup>3</sup> Thus, the Commission dismissed Brown’s complaint.

3. Separately in *Slebzak v. Hafez Family Limited Partnership*, and *Ovens v. Danberg, Department of Corrections*, the Division and the Commission both determined that based upon the facts the

---

<sup>1</sup> 6 Del. C. § 4500 *et seq.*

<sup>2</sup> Appendix to Appellees’ Answering Brief at B-2.

<sup>3</sup> *Id.* at B-4 – B-6.

Commission did not have jurisdiction over the case.<sup>4</sup>

Consequently, The Commission dismissed both cases.

4. With respect to Mr. Brown's complaint, the Division initially states that after reviewing the facts, it does not appear that Christiana Care discriminated against Mr. Brown. Then, the Division and the Commission go on to state in subsequent letters that the Commission does not have jurisdiction over Mr. Brown's claims because he is seeking enforcement of rights guaranteed by the Americans with Disabilities Act, and thus dismissal is required. This inconsistency in the record must be resolved for the Court to make a determination as to the merits of Appellants' appeal.
5. In Ms. Slebzaks' and Mr. Ovens' cases, the Division and Commission both agree that the Commission lacks jurisdiction to hear the Appellants' cases. However, the Division and the Commission do not articulate in their correspondence with the Appellants why the Commission lacks jurisdiction. As such, the record is incomplete.
6. Thus, Appellants' appeal is **REMANDED** so that the Commission can resolve the conflicting reasoning provided by the Division with

---

<sup>4</sup> *Id.* at B-11, B-13, B-16, B-17

respect to Mr. Brown, and so that the Commission can articulate its reasoning for finding that the Commission lacks jurisdiction in Ms. Slebzaks' and Mr. Ovens' cases.<sup>5</sup>

**WHEREFORE**, Appellants' appeal is **REMANDED** for further proceedings consistent with this order.

**IT IS SO ORDERED.**

---

Jan R. Jurden, Judge

---

<sup>5</sup> Because the jurisdiction issue must be determined first, the Court declines to make a determination as to the Commission's alleged failure to comply with its own notice requirements.