

know how you black guys from Chicago are." However, due to the lengthy lapse in time between the alleged visit and Mr. Phillips' filing his Charge, no one at SSA has any specific recollection of this alleged incident, nor can we confirm whether or not he was even in the store on the particular date in question. (Exhibit G – Statement of Zeharyas Doni, Customer Service Representative on duty at the time of the alleged incident,² addressed to Lisa Lay, Attorney, dated September 3, 2008 and Exhibit H – Statement of Store Manager, Darren Allen, addressed to Lisa Lay, Attorney, dated September 4, 2008) In fact, Mr. Phillips' Speedy Reward Transaction Activity for the months of June 2007 through November 2007, while showing multiple transactions, some even occurring at Store No. 4188, show none were made on August 15, 2007. (Exhibit I – Speedy Reward Transaction Activity for Mr. Phillips for June 2007 – November 2007) The only information SSA does have, seems to indicate Mr. Phillips did not even make a purchase on the date in question.

Further, if in fact Mr. Phillips had experienced what he alleges, SSA would have expected to have received a complaint at that time, however, SSA has searched its Customer Service complaints database and found no record of a complaint regarding allegations such as these, nor did it find any complaints logged against the two employees on duty at the time. (Exhibit J – Customer Service Claims Detail from August 2007 – August 2008) Additionally, SSA spoke with the Region Manager³ and District Manager of Store No. 4188 and neither had any knowledge or were ever made aware of any such incident, prior to receiving Mr. Phillips' Charge of Discrimination.

Even assuming he was in the store on that day, Mr. Phillips has provided absolutely no facts to support his claim. All he does offer is an approximate time of 8:50 p.m. for his alleged visit. SSA's documents reveal however, that during the 50 minute span of 8:31 p.m. to 9:21 p.m. on August 15, 2007, Matthew Thomas and Mr. Doni⁴ were both running cash registers – neither with significant gaps as to allow them both to be outside of the store during this alleged confrontation with Mr. Phillips. (Exhibit L – excerpts from the Electronic Journal for store no. 4188 for August 15, 2007)

Therefore, SSA respectfully requests that the Charge of Discrimination be dismissed with a determination of no probable cause. Thank you for your time and all considerations afforded. Please feel free to contact me should you have any questions.

Respectfully submitted,



Denise L. Wilson

Enclosures

² Mathew Thomas, the other employee on duty at the time of the alleged incident, is no longer employed with SSA.

³ SSA stores are grouped into the following territorial classifications: District, Region, and Division—with a District being the smallest grouping of stores and a Division being the largest.

⁴ SSA's records reveal that two employees were on duty at the time of Mr. Phillips' alleged incident. Zeharyas Doni (a current employee) and Matthew Thomas (a former employee). (Exhibit K – Time Statement List for Matthew Thomas and Zeharyas Doni for August 15, 2007)