

special factors relating to the duties performed by the particular complainant named herein.

Accordingly, based on the evidence before me, I find probable cause in the above-entitled case and will now go forward with the further procedures authorized by the Law Against Discrimination.

EDWARD CONWAY,
Investigating Commissioner.

To:

Miss Eloise N. Soots, Complainant,
150 East 49th Street, Apt. 9E,
New York, New York 10017
American Airlines, Inc., Respondent,
633 Third Avenue,
New York, New York 10017
Attention: Mr. C. E. Smith, President

EXHIBIT 10

DETERMINATION AFTER INVESTIGATION

Patricia Lee Arnold v. American Airlines, Inc.

CASE NO. CA-10938-64

J. Edward Conway, Investigating Commissioner

April 20, 1966

The above-entitled verified complaint is one of several complaints involving the job category of airline stewardess, each of which charges that, in dismissing the complainant from employment as an airline stewardess when she reached a given age (in the instant case, age 33) respondent airline company discriminated against the complainant because of age, in violation of the New York Law Against Discrimination.

The respondent airline company herein does not dispute the charge that the basis of the above-named complainant's dismissal was her reaching a given chronological age or that complainant would have been retained in her position as airline stewardess except for respondent's policy setting a maximum age for continued employment as airline stewardess. There has been no presentation of any substantial evidence or argument that the individual work history of the complainant had any material bearing on the termination of her employment as an airline stewardess. The central issue is therefore quite clear, namely, does the airline violate the New York Law Against Discrimination when it establishes a company policy setting a special arbitrary chronological age for continued employment of its airline stewardesses at any age below that of the standard mandatory retirement age for company employees, and applies such policy without reference to the qualifications of the individual employee?

Full opportunity has been afforded to respondent to provide data and argument on the merits. To the extent to which respondent has availed itself of this opportunity, respondent has not submitted, in support of the special age limit which it has established, persuasive evidence such as might validate any blanket bona fide occupational qualification.

Further, the information submitted by respondent does not furnish any warrant for the grant of a bona fide occupational qualification to it because of any special factors relating to the duties performed by the particular complainant named herein.

Accordingly, based on the evidence before me, I find probable cause in the above-entitled case and will now go forward with the further procedures authorized by the Law Against Discrimination.

J. EDWARD CONWAY,
Investigating Commissioner.

To:

Miss Patricia Lee Aronold, Complainant, 347 East 76th Street, Apt. 4D, New York, New York 10021
American Airlines, Inc., Respondent, 633 Third Avenue, New York, New York 10017
Attention: Mr. C. E. Smith, President