

# Willowbrook seeks to stall order to rehire 5 safety officers

By TERENCE J. KIVLAN

A lawyer for Willowbrook Developmental Center yesterday asked the state Division of Human Rights to nullify its August decision ordering the mental institution to rehire five safety officers who were fired in April.

In the decision, issued Aug. 30, the division charged three white supervisors on the guard force at Willowbrook with harassing a black guard, Elijah Beaufort, and then causing him and four of his white counterparts to lose their jobs.

The four are Joseph O'Brien, William Seery, Robert Lentz and Norman Johansen.

Appearing yesterday before the Division Appeals Board, Leonard Gelberg, an attorney from the state Department of Mental Hygiene, requested that the case be reopened so that Willowbrook could present its side of the story.

Gelberg pointed out that the white supervisors were on vacation when the hearings were held Aug. 12 and 13. Thus, he argued, the guards won a favorable decision only by default.

Gelberg also argued that the division had unreasonably refused a request by the supervisors to have the hearings postponed. He maintained that such a refusal was unprecedented, but he did not cite any previous cases before the division to back up this contention.

Beaufort's lawyer, Leroy Wilson Jr., responded that the

supervisors' vacation time was not sufficient reason to put off hearings in a case involving serious charges. He added that since the guards had already been unemployed six months, the hearings had been postponed long enough.

Wilson also argued that it would be a poor precedent to allow employers and supervisors charged in human rights cases to undermine decisions made by the division by declining to show up at the hearings.

The decision by the appeals board on whether to uphold the division's order or reopen the matter of the firings may be weeks or even months away. The commissioner who heard the case, Emil Levin, will first have to write a proposed decision and have it individually approved by the board's four other commissioners.

Meanwhile, at least four of the five guards are still unemployed. One of them, Johansen, blames his joblessness on his inability to get a good recommendation from Willowbrook.

"Every time I think I have something going with an employer, my application goes to Willowbrook and everything falls through," he claimed.

Johansen went on to say that Willowbrook was merely stalling by attempting to have the case reopened. "They are just trying to break us," he insisted. "They are trying to prolong the case to the point

where we will give up."

According to the text of the division's August order, the chain of events leading to the firings began when one of the supervisors, Anthony Ragucci, unsuccessfully urged two of the guards, O'Brien and Seery, to make a false report that Beaufort had raped a Willowbrook resident.

Beaufort, who was then forced to patrol in a guard car alone in violation of policy at

Willowbrook, was vulnerable to such a charge because he would not have had any witnesses to back up his denial.

After the incident, Beaufort refused to patrol alone again and, when he disobeyed an order to do so, he was fired as of April 2. The four white guards lost their jobs when they refused to take Beaufort's place and complained about other acts of alleged discrimination against him.