

As a pro se complainant, Mr. Young had to navigate both the judicial and administrative system without the assistance of counsel. This Commissioner knows that pro se complainants can rarely navigate the administrative system with ease. The administrative system is unfamiliar to most pro se complainants and as such they should be given the benefit of the doubt. If there is information that may seem to weigh in the favor of the complainant, this Commission should take extra steps to seek that information out. In this instance, the Commission knew that a judgment had been entered in Mr. Young's favor and against Respondent. The judgment from small claims court was not detailed and did not indicate what issues it had decided. However,

generally there is an obligation on parties to civil litigation to raise counter claims they may have. Thus, a presumption would occur that disputes between these parties predating the small claims action would have been resolved. The Commission was aware of this judgment when it entered its order. At a minimum, this Commission should have asked the parties to present further documentation of the small claims court proceeding and explain why such a presumption was not appropriate. The decisions by the Majority in this case include decisions on issues between the parties that predate the small claims proceeding. This would arguably result in re-litigating matters which were decided in the small claims court.

For these reasons, I respectfully dissent.

Respectfully submitted,

Steve Gaw, Commissioner

Dated at Jefferson City, Missouri,
on this ~~18th~~ day of March, 2007.

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