

9-11-01

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED

02 FEB 13 AM 9:05

AT

MAGGIE PEARLE VINSON,

EEOC Case No. 15D980032

DIVISION OF ADMINISTRATIVE HEARINGS

Petitioner,

FCHR Case No. 98-0248

v.

DOAH Case No. 00-4425

PMR-CWS

DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES, d/b/a NORTH  
FLORIDA EVALUATION AND  
TREATMENT CENTER,

FCHR Order No. 01-069

Respondent.

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FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Maggie Pearle Vinson filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1995), alleging that Respondent Department of Children and Family Services, d/b/a North Florida Evaluation and Treatment Center committed an unlawful employment practice on the basis what was later stipulated to be Petitioner's handicap (chronic, substantial pain in back and leg) regarding circumstances leading to (and including) Petitioner's termination.

The allegations set forth in the complaint were investigated, and, on August 30, 2000, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held in Gainesville, Florida, on May 15, 2001, before Administrative Law Judge P. Michael Ruff.

Judge Ruff issued a Recommended Order of dismissal, dated September 11, 2001.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order.

Findings of Fact

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission.

We adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

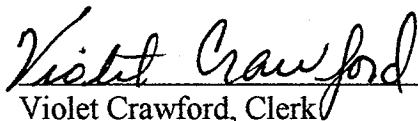
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 11<sup>th</sup> day of February, 2002  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;  
Commissioner Leonie Hermantin; and  
Commissioner Billy Whitefox Stall

Filed this 11<sup>th</sup> day of February, 2002  
in Tallahassee, Florida.

  
\_\_\_\_\_  
Violet Crawford, Clerk

Commission on Human Relations  
325 John Knox Rd., Bldg. F, Suite 240  
Tallahassee, FL 32303-4149  
(850) 488-7082

NOTICE TO COMPLAINANT / PETITIONER

As your complaint was filed under Title VII of the Civil Rights Act of 1964, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC to review this Commission's final agency action. To secure a "substantial weight review" by EEOC, you must request it in writing within 15 days of your receipt of this Order. Send your request to Miami District Office (EEOC), One Biscayne Tower, 2 South Biscayne Blvd., Suite 2700, 27th Floor, Miami, FL 33131.

Copies furnished to:

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Dennis M. Flath, Esq.  
1200 Northeast 55<sup>th</sup> Boulevard  
Gainesville, FL 32641-2759

P. Michael Ruff, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel