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AT

FILED

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF
ADMINISTRATIVE
HEARINGS

JUAN ELSON,

Petitioner,

v.

CITY OF HIALEAH GARDENS,

Respondent.

EEOC Case No. 150A1122

FCHR Case No. 21-01128

DOAH Case No. 01-3465

FCHR Order No. 02-014

closed
MM P

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Juan Elson filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1999), alleging that Respondent City of Hialeah Gardens committed an unlawful employment practice on the basis of Petitioner's age (47) when it demoted him from the position of Maintenance Supervisor.

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 by video teleconference in Miami, Florida, and Tallahassee, Florida, on November 16, 2001, before Administrative Law Judge Michael M. Parrish.

Judge Parrish issued a Recommended Order of dismissal, dated January 3, 2002.

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 17th day of April, 2002.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;
Commissioner Juan Montes; and
Commissioner Billy Whitefox Stall

Filed this 17th day of April, 2002,
in Tallahassee, Florida.

Denise Crawford
Denise Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, S
Tallahassee, FL 32301
(850) 488-7082, Ext. 10

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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Michael M. Parrish, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel