

CITY OF ST. PETERSBURG
COMMUNITY AFFAIRS DEPARTMENT
HUMAN RELATIONS DIVISION

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

RICHARD MASTROMARINO,
Charging Party,

v.

PINELLAS SUNCOAST TRANSIT
AUTHORITY,
Respondent.

CASE NUMBER: PCD097257

EEOC NUMBER: 15G970213

DOAH Case No: 01-3837

Dmk

FINAL ORDER OF DISMISSAL

This matter having come before Administrative Law Judge, Daniel M. Kilbride, it has been determined that:

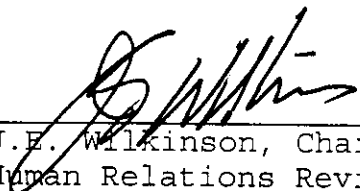
1. The Human Relations Review Board found that Reasonable Cause existed to believe that a violation did occur.
2. Conciliation efforts conducted pursuant to Chapter 15 of the St. Petersburg City Code, as amended, were unsuccessful and a Complaint was issued and assigned to an Administrative Law Judge.
3. The matter was heard by the Administrative Law Judge who issued a Recommended Adjudicative Order on April 9, 2002, recommending that:

Based on the following, the Complaint be Dismissed with Prejudice.

- A. The Charging Party was not a "qualified individual" with a Disability;
 1. The Charging Party was no longer able to perform the essential function of his position as Bus Driver, driving a bus; and
 2. No amount of accommodation would have made it possible for the Charging Party to perform the essential function of his position.
- B. The Respondent had no light-duty positions available for which the Charging Party was qualified;

- C. The Charging Party's request for an extended leave of absence was not "reasonable" as the Charging Party could not show when or if he would likely be able to return to work;
- D. The Charging Party did not ask for or apply for reassignment to a vacant position prior to his termination; and
- E. The Charging Party was unable to perform the essential functions of and was not qualified for positions he identified as being available prior to his termination.
4. Neither the Charging Party nor the Respondent having demanded a Review of the Recommended Adjudicative Order within thirty (30) days of issuance, the Administrative Law Judge's Order is hereby adopted and incorporated herein.

IT IS THEREFORE ORDERED THAT THIS MATTER IS HEREBY
DISMISSED.



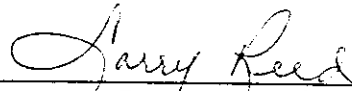
J.E. Wilkinson, Chairperson
Human Relations Review Board

7/18/02

Date

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by Certified Mail to: the **Charging Party**, Richard Mastromarino, 4450 40th Ave. N., D14, St. Petersburg, FL 33714, the **Respondent**, Pinellas Suncoast Transit Authority c/o Roger G. Mogle, Dir. of Human Resources, 14840 49th St. N., Clearwater, FL 33762, and by Regular Mail to: **Attorney for Charging Party**, Craig L. Berman, Esq., Berman Law Firm, P.A., 360 Central Ave., Ste. 1260, St. Petersburg, FL 33701 and **Attorney for Respondent**, Alan S. Zimmet, Esq., Zimmet, Unice, Salzman & Feldman, P.A., Two Prestige Place, 2650 McCormack Dr., Ste. 100, Clearwater, FL 33759, on this 18th day of July, 2002.



Larry Reed
Human Relations Officer

7/18/02

Date

cc: File
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