

2-28-02

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
02 JUL 26 AM 9:14
ADMINISTRATIVE
HEARINGS

AT

THELEMAQUE COLEUS,

EEOC Case No. N/A

Petitioner,

FCHR Case No. 98-1929

v.

DOAH Case No. 01-4659

JBC-CLUS

WALT DISNEY WORLD,

FCHR Order No. 02-029

Respondent.

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Thelemaque Coleus 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 Walt Disney World committed an unlawful employment practice on the basis of Petitioner's handicap (back injury), when it terminated Petitioner from his position.

The allegations set forth in the complaint were investigated, and, on October 31, 2001, 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 Orlando, Florida, February 11, 2002, before Administrative Law Judge Jeff B. Clark.

Judge Clark issued a Recommended Order of dismissal, dated February 27, 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.

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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.

Petitioner sent a letter to the Clerk of the Commission, dated March 9, 2002, and received by the Commission on March 11, 2002, indicating that stated paragraphs of the Recommended Order misrepresented the facts in the case, and suggesting that the hearing before the Administrative Law Judge was unfair.

We are not considering this letter to be a formal exception to the Recommended Order, since there is no indication that a copy of the document was provided the Respondent and no transcript of the proceeding before the Administrative Law Judge was provided the Commission. See, Fla. Admin. Code R. 60Y-4.005, requiring the simultaneous service of filings on other parties to the proceedings, and Fla. Admin. Code R. 60Y-4.025(3) and Fla. Admin. Code R. 60Y-4.027(1), regarding the filing of a transcript as a requirement to filing exceptions.

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 25th day of July, 2002.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner John Corbett; and
Commissioner Donna Elam

Filed this 25th day of July, 2002,
in Tallahassee, Florida.



Violet Crawford, Clerk

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Jeff B. Clark, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel