

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
04 FEB 27 AM 9:20
DIVISION OF
ADMINISTRATIVE
HEARINGS

EUGENE HICKS,

AT

EEOC Case No. 15D995981

Petitioner,

FCHR Case No. 98-1042

v.

DOAH Case No. 02-1410

PHYM-ELCS

TREASURE SERVICE / METRO DADE
TRANSIT AND RON JONES,

FCHR Order No. 04-008

Respondents.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

Preliminary Matters

Petitioner Eugene Hicks filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1997), alleging that Respondents Treasure Service / Metro Dade Transit and Ron Jones committed unlawful employment practices on the basis of Petitioner's race (Black), disability (severe stress related condition), sex (male - misstated as "female" in the complaint), and retaliation in relationship to Petitioner's employment with Respondents. (The Administrative Law Judge's Recommended Order reflects that, "After the final hearing was convened, Mr. Hicks confirmed that he was claiming discrimination on the basis of race and disability... and retaliation...")

The allegations set forth in the complaint were investigated, and, on February 19, 2002, 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.

Administrative Law Judge Patricia Hart Malono issued a Recommended Order of Dismissal on May 15, 2002, and, on November 5, 2002, the Commission issued an Order Remanding Petition for Relief from an Unlawful Employment Practice, returning the case to the Administrative Law Judge for further proceedings.

An evidentiary hearing was held on February 24 and 25, 2003, by video teleconference, with the parties appearing in Miami, Florida, and Judge Malono presiding in Tallahassee, Florida.

Judge Malono issued a Recommended Order of dismissal, dated August 1, 2003.

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

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

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

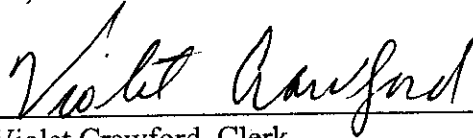
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 26th day of February, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Billy Whitefox Stall, Panel Chairperson;
Commissioner Gilbert M. Singer; and
Commissioner P. C. Wu

Filed this 26th day of February, 2004,
in Tallahassee, Florida.


Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-708

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:

Eugene Hicks
11846 Northwest 13th Street
Pembroke Pines, FL 33026

Treasure Service / Metro Dade Transit and Ron Jones
c/o Eric Rodriguez, Esq.
Office of Dade County Attorney
111 Northwest First Street, Suite 2810
Miami, FL 33128-1930

Patricia Hart Malono, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 26th day of February, 2004.

By: *Violet Crawford*
Clerk of the Commission
Florida Commission on Human Relations