

1-24-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
03 MAY -9 PM 3:33
DIVISION OF
ADMINISTRATIVE
HEARINGS

AT
EEOC Case No. NONE

JANET RODRIGUEZ,

Petitioner,

FCHR Case No. 22-00071

v.

DOAH Case No. 02-1709 PHM-CLCS

DISTRICT BOARD OF TRUSTEES OF
MIAMI-DADE COMMUNITY COLLEGE,

FCHR Order No. 03-027

Respondent.

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

Preliminary Matters

Petitioner Janet Rodriguez 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 District Board of Trustees of Miami-Dade Community College committed an unlawful employment practice on the basis of retaliation for filing sexual harassment grievances by terminating Petitioner from her position.

The allegations set forth in the complaint were investigated, and, on April 1, 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.

An evidentiary hearing was held by video teleconference in Miami, Florida, and Tallahassee, Florida, on November 7 and 8, 2002, before Administrative Law Judge Patricia Hart Malono.

Judge Malono issued a Recommended Order of dismissal, dated January 29, 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 7th day of May, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Aletta Shutes; and
Commissioner P. C. Wu

Filed this 7th day of May, 2003,
in Tallahassee, Florida.

Violet Crawford
Violet Crawford, Clerk
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Copies furnished to:

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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 7th day of May, 2003.

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