

11/20/02

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
03 FEB 24 AM 11:53

RUBEN RIVERO,

Petitioner,

v.

MIAMI-DADE COUNTY,

Respondent.

AT

EEOC Case No.

FCHR Case No. 20-03562

DOAH Case No. 02-2311

FCHR Order No. 03-003

DIVISION OF
ADMINISTRATIVE
HEARINGS

PNM-102

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

Preliminary Matters

Petitioner Ruben Rivero 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 Miami-Dade County committed an unlawful employment practice by terminating him on the basis of his disability (chronic illness subsequently identified as migraine headaches).

The allegations set forth in the complaint were investigated, and, on May 8, 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 Tallahassee, Florida, and Miami, Florida, on August 14, 2002, before Administrative Law Judge Patricia Hart Malono.

Judge Malono issued a Recommended Order of dismissal, dated November 12, 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

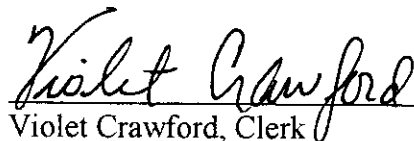
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 21st day of February, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner John Corbett; and
Commissioner Aletta Shutes

Filed this 21st day of February, 2003,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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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 21st day of February, 2003.

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