

6-20-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF ADMINISTRATIVE HEARINGS

PHILOMENE AUGUSTIN,

AA

EEOC Case No. NONE

Petitioner,

FCHR Case No. 99-V1905

v.

DOAH Case No. 02-4049

SML-CWS

MARRIOTT SENIOR LIVING
SERVICES, INC.,

FCHR Order No. 03-070

Respondent.

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

Preliminary Matters

Petitioner Philomene Augustin filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1997), alleging that Respondent Marriott Senior Living Services, Inc., committed an unlawful employment practice on the basis of Petitioner's race (Black) when it terminated Petitioner from her position.

The allegations set forth in the complaint were investigated, and, on August 27, 2002, the Executive Director issued his determination finding that there was 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 on February 24, 2003, at sites in Tallahassee, Florida, and Fort Lauderdale, Florida, before Administrative Law Judge Stuart M. Lerner.

Judge Lerner issued a Recommended Order of dismissal, dated June 20, 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 20th day of November, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 20th day of November, 2003,
in Tallahassee, Florida.

for 
Michelle Jackson
Violet Crawford, Clerk
Commission on Human Relations
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Copies furnished to:

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c/o Michael W. Casey, III, Esq.
Muller Mintz, P.A.
First Union Financial Center, Suite 3600
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Miami, FL 33131-2338

Stuart M. Lerner, 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 20th day of November, 2003.

for By: 
Clerk of the Commission
Florida Commission on Human Relations