

4-3-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
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PERRY HESLEP,

AT

EEOC Case No. NONE

DIVISION OF
ADMINISTRATIVE
HEARINGS

Petitioner,

FCHR Case No. 22-02156

v.

DOAH Case No. 02-4809

PMR-CLOS

PAYROLL MANAGEMENT, INC.,

FCHR Order No. 03-051

Respondent.

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

Preliminary Matters

Petitioner Perry Heslep filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2001), alleging that Respondent Payroll Management, Inc., committed an unlawful employment practice on the basis of Petitioner's age (DOB: 2-11-63) by subjecting Petitioner to a hostile work environment and terminating Petitioner from his position.

The allegations set forth in the complaint were investigated, and, on November 5, 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, at which Petitioner failed to appear, was held in Shalimar, Florida, on February 25, 2003, before Administrative Law Judge P. Michael Ruff.

Judge Ruff issued a Recommended Order of dismissal, dated April 3, 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

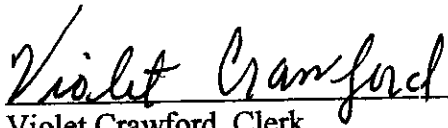
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 11th day of August, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Gilbert M. Singer

Filed this 11th day of August, 2003,
in Tallahassee, Florida.


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

Copies furnished to:

Perry Heslep
190 Miramar Street
Mary Esther, FL 32569

Payroll Management, Inc.
c/o Michael William Mead, Jr., Esq.
Post Office Box 1329
Fort Walton Beach, FL 32549

P. Michael Ruff, 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 11th day of August, 2003.

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