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FLA COMM H R

No. 0570 P. 2/4

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

AT

DUSTI L. McCLUSKEY,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 22-01907

v.

DOAH Case No. 03-0719

DOM-CLD

TRANSITIONS OPTICAL, INC.,

FCHR Order No. 03-065

Respondent.

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

Preliminary Matters

Petitioner Dusti L. McCluskey 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 Transitions Optical, Inc., committed unlawful employment practices on the basis of retaliation and on the basis of Petitioner's alleged disability (carpal tunnel syndrome) by subjecting Petitioner to a hostile work environment and terminating Petitioner from her position.

The allegations set forth in the complaint were investigated, and, on January 21, 2003, 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 in Clearwater, Florida, on April 23, 2003, before Administrative Law Judge Daniel Manry.

Judge Manry issued a Recommended Order of dismissal, dated June 5, 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

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.

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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

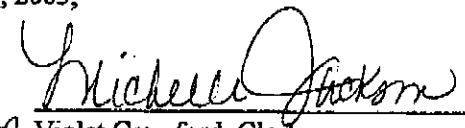
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 19<sup>th</sup> 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 19<sup>th</sup> day of November, 2003,  
in Tallahassee, Florida.

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

Copies furnished to:

Dusti L. McCluskey  
5237 Coral Way, North  
St. Petersburg, FL 33714

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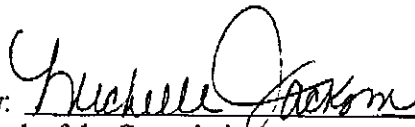
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Transitions Optical, Inc.  
c/o Joan M. Vecchioli, Esq.  
c/o Stephanie T. Marquardt, Esq.  
Johnson, Pope, Bokor, Ruppel & Burns, P.A.  
911 Chestnut Street  
Post Office Box 1368  
Clearwater, FL 33757-1368

Daniel Manry, 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 19th day of November, 2003.

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