

12-19-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
2004 JUN 16 P 12:17
DIVISION OF
ADMINISTRATIVE
HEARINGS

THADDEOUS J. PRICE,

EEOC Case No. 15DA300354

Petitioner,

FCHR Case No. 23-00701

v.

AT

DOAH Case No. 03-2670

BJS

ALACHUA COUNTY
SCHOOL BOARD,

FCHR Order No. 04-071

Cused

Respondent.

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

Preliminary Matters

Petitioner Thaddeous J. Price 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 Alachua County School Board committed an unlawful employment practice on the basis of Petitioner's race (Black), sex (male) and age (DOB: 8-12-60) when it denied Petitioner a teaching position.

The allegations set forth in the complaint were investigated, and, on June 24, 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 Gainesville, Florida, on October 20, 2003, before Administrative Law Judge Barbara J. Staros.

Judge Staros issued a Recommended Order of dismissal, dated December 19, 2003.

Pursuant to notice, public deliberations were held on May 27, 2004, by means of Communications Media Technology (namely, telephone) before this panel of Commissioners. The public access point for these telephonic deliberations was the Office of the Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301. At these deliberations, the Commission panel determined the action to be taken on the Petition for Relief.

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

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order in a document entitled, "Letter of Exception."

The document generally takes exception to the Administrative Law Judge's finding that no unlawful employment practice occurred, and takes issue with the inferences drawn from the evidence presented.

The Commission has stated, "It is well settled that it is the Administrative Law Judge's function 'to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge's role to decide between them.' Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986)." Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999).

The exceptions document also appears to take issue with the correctness of the reason Respondent withdrew its offer of a substitute teaching position to Petitioner, namely concern over the Petitioner's criminal history/background.

The Administrative Law Judge, citing Department of Corrections v. Chandler, 582 So. 2d 1183, at 1187 (Fla. 1st DCA 1991), noted that, "The employer may fire an employee for a good reason, a bad reason, a reason based on erroneous facts, or for no reason at all, as long as its action is not for a discriminatory reason." Recommended Order, ¶ 45. In addition, the Administrative Law Judge specifically made the finding of fact that, "The Department's ultimate acceptance of coursework and issuance of a Statement of Status of Eligibility some eight months after the adverse employment action taken by Respondent does not establish that Respondent engaged in discriminatory conduct." Recommended Order, ¶ 34.

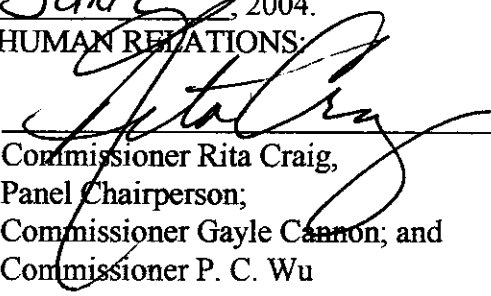
Petitioner's exceptions are rejected.

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 14th day of JUNE, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:


Commissioner Rita Craig,
Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner P. C. Wu

Filed this 14th day of JUNE, 2004,
in Tallahassee, Florida.


Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

NOTICE TO COMPLAINANT / PETITIONER

As your complaint was filed under Title VII of the Civil Rights Act of 1964, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC to review this Commission's final agency action. To secure a "substantial weight review" by EEOC, you must request it in writing within 15 days of your receipt of this Order. Send your request to Miami District Office (EEOC), One Biscayne Tower, 2 South Biscayne Blvd., Suite 2700, 27th Floor, Miami, FL 33131.

Copies furnished to:

Thaddeous J. Price
708 Prince Hall
Frankfort, KY 40601

Thaddeous J. Price
Administrative Specialist III
Division of Regulation and Inspection
107 Corporate Drive
Frankfort, KY 40601

Alachua County School Board
c/o James A. Robinson, Esq.
620 East University Avenue
Gainesville, FL 32601

Barbara J. Staros, 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 14th day of JUNE, 2004.

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