

4-26-04

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

**FILED**  
2004 JUN 29 P 1:42  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

JULIE HEMBROUGH,

Petitioner,

AT

EEOC Case No. 15DA300032

FCHR Case No. 23-00007

v.

DOAH Case No. 03-3145

SOC-CWS

SIKORSKY SUPPORT SERVICES, INC.

FCHR Order No. 04-073

Respondent.

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

Preliminary Matters

Petitioner JULIE HEMBROUGH filed a complaint of discrimination on October 1, 2002, pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1999), alleging that Respondent SIKORSKY SUPPORT SERVICES, INC., committed an unlawful employment practice on the basis of sexual harassment and retaliation by terminating Petitioner from her position.

The allegations set forth in the complaint were investigated, and, on July 28, 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 on August 29, 2003, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held February 2, 2004, and February 3, 2004, in Pensacola, Florida, before Administrative Law Judge Diane Cleavinger.

Judge Cleavinger issued a Recommended Order of dismissal, dated April 26, 2004.

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

The Commission's file contains a transcript of the proceeding before the Administrative Law Judge.

The Administrative Law Judge found that the section in which Petitioner worked was rife with employee conflict primarily due to a poor supervisor who was terminated. The ALJ found no evidence of pervasive sexual harassment. She also found that employee was terminated for a legitimate, business reason when she refused to take a random drug test that was part of

Respondent's written drug-free workplace program. The Petitioner could provide no evidence that she was targeted for the drug test and, in fact, the Respondent demonstrated a "name blind" procedure that protected against any such targeting. The testing was conducted by a third party contractor, Professional health Examiners.

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 25<sup>th</sup> day of June, 2004.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;  
Commissioner Roosevelt Paige; and  
Commissioner Keith Roberts

Filed this 25<sup>th</sup> day of June, 2004,  
in Tallahassee, Florida.

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

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:

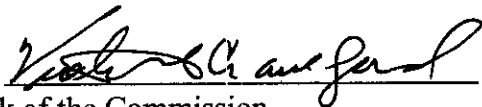
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Diane Cleavinger, Administrative Law Judge, DOAH

Jim Tait, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 25<sup>th</sup> day of June, 2004.

By:   
Clerk of the Commission  
Florida Commission on Human Relations