

8-25-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

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CRAIG S. SAILOR,

EEOC Case No. 15DA400054

Petitioner,

FCHR Case No. 2004-20073

AT

v.

DOAH Case No. 04-1400 SFH

SANDCO, INC.,

FCHR Order No. 04-132

closed

Respondent.

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

Petitioner, CRAIG S. SAILOR, filed a complaint of discrimination on October 7, 2003 (later amended on February 18, 2004), pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that the Respondent, SANDCO, INC., committed an unlawful employment practice by supporting a hostile work environment and, ultimately, terminating him based on his race (black) and sex (male) and in retaliation. The allegations set forth in the complaint were investigated and on March 12, 2004, the Executive Director issued his determination that there was no reasonable cause to believe that a discriminatory act occurred. The Petitioner filed a Petition for Relief and was granted a formal evidentiary hearing that was held in Tallahassee, Florida, on June 21, 2004, before Administrative Law Judge Suzanne F. Hood.

Judge Hood issued a Recommended Order of Dismissal dated August 25, 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 and Conclusions of Law

The Petitioner was employed by Respondent as a truck driver. In early October, 2003, he filed a complaint with the Commission alleging that he had been racially and sexually discriminated against by the Respondent's employees and managers. He also was subject to a sexual harassment complaint by four to the Respondent's female employees initiated during the same time period. The ALJ found that the Complainant presented no direct evidence of sex or gender discrimination. She further found that he failed to prove that he was treated less favorably than similarly situated employees; nor did he prove that the Respondent had any knowledge of his complaint prior to terminating him.

The ALJ further found that the termination was caused by him violating company policy relating to sexual harassment and that there was no evidence to show that other employees similarly situated were not treated the same. She also found that the Petitioner presented no evidence that the Respondent's legitimate business reasons for his termination were pretextual.

We adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 21st day of October, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson
Commissioner Roosevelt Paige
Commissioner Dominique B. Saliba, M.D

Filed this 21st day of October, 2004,
in Tallahassee, Florida.



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

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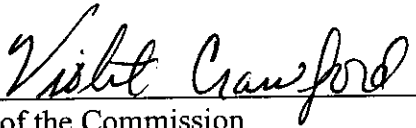
Respondent:

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Honorable Suzanne F. Hood, 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 21st day of October, 2004.

By: 
Clerk of the Commission
Florida Commission on Human Relations