

8-27-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

04 OCT 22 PM 1:18

ETHEL RIALS,

EEOC Case No. NONE

Petitioner,

AT

FCHR Case No. 2004-20190

v.

DOAH Case No. 04-1569

JDP
Closed

BANKATLANTIC,

FCHR Order No. 04-133

Respondent.

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

Petitioner, ETHEL RIALS, filed a complaint of discrimination on October 22, 2003, pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that the Respondent, BANKATLANTIC, committed an unlawful employment practice by subjecting her to a hostile work environment and, ultimately, constructively terminating her based on her race (black). The allegations set forth in the complaint were investigated and on March 25, 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 by video teleconference in Fort Lauderdale and Tallahassee, Florida, on June 21, 2004, before Administrative Law Judge J. D. Parrish.

Judge Parrish issued a Recommended Order of Dismissal dated August 27, 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 in its Loan Servicing Department. She was initially employed in servicing standards loans and received excellent evaluations. She was subsequently promoted to a position of lead complex loan servicing specialist and was in line to be promoted to supervisor of the standard loan servicing section. In late November, 2002, she took two sick days on November 20-21 and was scheduled for vacation days on November 22 and 25. When she returned to work on November 26, 2002, she filed an internal complaint alleging that she had been subjected to a hostile work environment due to her race. She reported four instances which the ALJ found not supported by the evidence. The ALJ further found that the Respondent timely submitted all the Petitioner's claims to the personnel office for investigation but that the Petitioner terminated employment the next day, November 27, 2002, without waiting for the conclusion of the review.

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

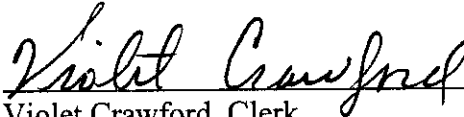
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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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Honorable J.D. Parrish, 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: *Vicki Crawford*
Clerk of the Commission
Florida Commission on Human Relations