

3-14-05

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

IRVIN WALLACE,

Petitioner,

v.

FINFROCK,

Respondent.

AT

EEOC Case No. ~~150200308964~~ 32

FCHR Case No. 2004-20550
ADMINISTRATIVE

DOAH Case No. 04-2619

FCHR Order No. 05-045

HEARINGS

DSm

CWS

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

This matter is before the Commission for consideration of the Recommended Order, dated March 14, 2005, issued in the above-styled matter by Administrative Law Judge Daniel Manry.

Findings of Fact and Conclusions of Law

Judge Manry's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Consequently, Judge Manry recommended the Commission issue a final order dismissing the matter based on Petitioner's failure to appear and failure to establish a prima facie case in support of the Petition for Relief.

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry his burden of proof.

Exceptions

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

Dismissal

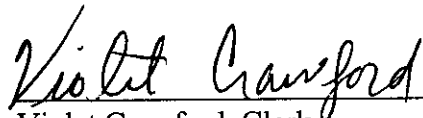
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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

DONE AND ORDERED this 20th day of April, 2005.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Roosevelt Paige; and
Commissioner Dominique B. Saliba, M.D.

Filed this 20th day of April, 2005,
in Tallahassee, Florida.



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

Copies furnished to:

Irvin Wallace
c/o Vincent Cheves
1527 South Central Avenue
Apopka, FL 32703

Finfrock
c/o Charles E. Williams, Jr., Esq.
Ford & Harrison LLP
300 South Orange Avenue, Suite 1300
Orlando, FL 32801-3379

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 20th day of April, 2005.

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