

11-3-04

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
2004 DEC 27 P 1:37  
HUMAN RIGHTS  
COMMISSION

ANNETTE CARROLL

EEOC Case No. 15DA300709

Petitioner,

FCHR Case No. 23-01960

v.

AT

DOAH Case No. 04-2691

DEPARTMENT OF CHILDREN AND  
FAMILY SERVICES

FCHR Order No. 04-166

DWD-CWS

Respondent.

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

Petitioner, ANNETTE CARROLL, filed a complaint of discrimination on April 22, 2004, pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that the Respondent, DEPARTMENT OF CHILDREN AND FAMILY SERVICES, committed an unlawful employment practice by based on her race (black), age, sex and in retaliation. The allegations set forth in the complaint were investigated and on June 30, 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 hearing that was held in Chattahoochee, Florida, on October 13, 2004, before the Administrative Law Judge Don W. Davis.

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated November 3, 2004, issued in the above-styled matter by Administrative Law Judge Don W. Davis.

Findings of Fact and Conclusions of Law

In her complaint, the Petitioner alleged discrimination based on her race (black), age, sex and in retaliation for her assertion of her rights. She alleged that she was terminated from her probationary position of Food Service Worker because of her race (black), age, sex and in retaliation for her asserting her rights. The ALJ found that the Petitioner had been employed as a Food Service Worker, was terminated and was a member of a protected class. The ALJ also found that the Respondent offered a legitimate business reason for terminating her; that is, her violation of safety rules at work. He found no substantial, persuasive evidence to show that the employment decision made by the Respondent was based in whole or in part on any intentional discrimination or animus based upon the Petitioner's race, age, sex or in retaliation for her assertion of her rights and that the Petitioner offered no credible evidence that the reason offered by the Respondent was 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 23<sup>rd</sup> day of December, 2004.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson  
Commissioner Roosevelt Paige  
Commissioner Mario M. Valle

Filed this 23<sup>rd</sup> day of December, 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:

Annette Carroll  
10202 Northwest Third Street  
Bristol, Florida 32321

Kathi Lee Kilpatrick, Esquire  
Jacqueline H. Smith, Esquire  
Department of Children and Family Services  
PO Box 1000  
Chattahoochee, Florida 32324-1000

Honorable Don W. Davis, 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 23<sup>rd</sup> day of December, 2004.

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