

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
06 FEB 27 PM 1:08
DIVISION OF
ADMINISTRATIVE
HEARINGS

STEVEN BELL,

Petitioner,

v.

WAL-MART,

Respondent.

EEOC Case No. 15DA400435

FCHR Case No. 2004-20824

DOAH Case No. 05-0563

FCHR Order No. 06-010

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

This matter is before the Commission for consideration of the Recommended Order, dated December 7, 2005, issued in the above-styled matter by Administrative Law Judge Ella Jane P. Davis.

Findings of Fact and Conclusions of Law

Judge Davis' order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Consequently, Judge Davis recommended the Commission issue a final order dismissing the matter based on Petitioner's lack of presentation of a prima facie case of discrimination. Judge Davis also concluded that "Petitioner's failure to appear is the equivalent of a voluntary dismissal 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 with the Commission exceptions to the Administrative Law Judge's Recommended Order.

Petitioner did file with the Division of Administrative Hearings and explanation as to his nonappearance at the scheduled administrative hearing, but we note that the Recommended Order specifically finds that Petitioner was instructed by the Administrative Law Judge's secretary that he should appear at the hearing as scheduled.

Dismissal

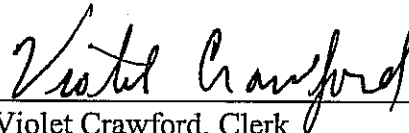
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 24th day of February, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Anice R. Prosser; and
Commissioner Dominique B. Saliba, M.D.

Filed this 24th day of February, 2006,
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:

Steven Bell
Post Office Box 2117
Interlachen, FL 32148

Wal-Mart
c/o Antwoine L. Edwards, Esq.
Ford & Harrison, LLP
225 Water Street, Suite 710
Jacksonville, FL 32202

Ella Jane P. Davis, 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 24th day of February, 2006.

By: *Kevin Cranford*
Clerk of the Commission
Florida Commission on Human Relations