

8.11.05

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

WYN SAMUEL,

Petitioner,

v.

COLORADO BOXED BEEF COMPANY,
INC.,

Respondent.

2005 SEP 23 P 2:17

EEOC Case No. 15DA400647

FCHR Case No. 2004-21168

DOAH Case No. 05-0566

PMR
Closed

FCHR Order No. 05-109

AT

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

Preliminary Matters

Petitioner Wyn Samuel filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2003), alleging that Respondent Colorado Boxed Beef Company, Inc., committed an unlawful employment practice on the basis of Petitioner's age (DOB: 5-16-21) by reducing Petitioner's pay, and on the basis of retaliation by harassing Petitioner for complaining about his reduction in pay.

The allegations set forth in the complaint were investigated, and, on January 7, 2005, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held in St. Augustine, Florida, on June 21, 2005, before Administrative Law Judge P. Michael Ruff.

Judge Ruff issued a Recommended Order of dismissal, dated August 11, 2005.

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

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

We adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law.

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

DONE AND ORDERED this 23rd day of September, 2005.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Roosevelt Paige

Filed this 23rd day of September, 2005,
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:


Wyn Samuel
130 Willow Pond Lane
Ponte Vedra Beach, FL 32082

Colorado Boxed Beef Company, Inc.
c/o Robert J. Stovash, Esq.
c/o J. Scott Hudson, Esq.
Stovash, Case and Tingley, P.A.
SunTrust Center
200 South Orange Avenue, Suite 1220
Orlando, FL 32801

P. Michael Ruff, 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 23rd day of September, 2005.

By: 
Clerk of the Commission
Florida Commission on Human Relations