

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
06 JUN 16 PM 2:08
DIVISION OF
ADMINISTRATIVE
HEARINGS

JESSICA JAMES,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 23-01669

v.

DOAH Case No. 05-1132

WINTER HAVEN HEALTH &
REHABILITATION CENTER,

FCHR Order No. 06-052

Respondent.

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

Preliminary Matters

Petitioner Jessica James filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2001), alleging that Respondent Winter Haven Health & Rehabilitation Center committed an unlawful employment practice on the basis of Petitioner's race (Black) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on February 17, 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 Winter Haven, Florida, on December 2, 2005, before Administrative Law Judge Carolyn S. Holifield.

Judge Holifield issued a Recommended Order of dismissal, dated April 27, 2006.

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 15th day of June, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Dominique B. Saliba, M.D.; and
Commissioner Billy Whitefox Stall

Filed this 15th day of June, 2006,
in Tallahassee, Florida.



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

Copies furnished to:


Jessica James
c/o Charlann Jackson Sanders, Esq.
Charlann Jackson Sanders, P.A.
Post Office Box 7203
Lakeland, FL 33860

Winter Haven Health & Rehabilitation Center
c/o Amy L. Christiansen, Esq.
Spector, Gadon, and Rosen, LLP
360 Central Avenue, Suite 1550
St. Petersburg, FL 33701

Carolyn S. Holifield, 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 15th day of June, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations